

**CODE OF ORDINANCES
City of
GEORGETOWN, KENTUCKY**

**Codified through
Ord. No. 04-027, adopted Nov. 18, 2004.
(Supplement No. 1)**

Preliminaries

**CODE OF ORDINANCES
CITY OF
GEORGETOWN, KENTUCKY**

GENERAL ORDINANCES OF THE CITY
Adopted December 1, 1983

Effective December 1, 1983

Republished December, 2004

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OFFICIALS

of the

CITY OF GEORGETOWN, KENTUCKY

AT THE TIME OF THIS CODIFICATION

Charles Lenahan
Mayor

Ann T. Hall
George Lusby
Roy Johnson
Dorman McFarland
Bobby McDowell
Barbara Tilford
Alvin Jargent
Tom Prather
Councilmembers

David H. Ashley
City Attorney

CURRENT OFFICIALS

of the

CITY OF GEORGETOWN, KENTUCKY

Everette Varney
Mayor

Steve Glass
Don Hawkins
Tim Jenkins
Rob Johnson
David Lusby
Marvin Thompson
Karen Tingle-Sames
Chad Wallace
Councilmembers

Charlie Perkins
City Attorney

PREFACE

This Code constitutes a complete recodification of the ordinances of the City of Georgetown of a general and permanent nature.

Source materials used in the preparation of the Code were the 1966 Code, as supplemented through June 6, 1974, and ordinances subsequently adopted by the Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the

Comparative Tables appearing in the back of this volume, the reader can locate any section of the 1966 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this volume.

Numbering System

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 4 is numbered 4-1 and the third section of Chapter 2 is 2-3. Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place simply by using the decimal system for amendments. By way of illustration: If new material consisting of one section that would logically come between sections 4-1 and 4-2 is desired to be added, such new section would be numbered 4-1.5. New chapters may be included in the same manner. If the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Index

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code to which the attention of the user is especially directed is the looseleaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages. Each such amendment, when incorporated into this Code, may be cited as a part hereof.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will then

become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The publication of this Code was under direct supervision of George R. Langford, President, and Bill Carroll, Supervising Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers are most grateful to Mr. David H. Ashley, City Attorney, for his cooperation and assistance during the progress of the work on this Code. It is hoped that his efforts and those of the publishers have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

TABLE INSET:

CODE CORPOR ATION Tallahass ee, Florida	
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ORDINANCE NO. 83-017

An Ordinance Adopting and Enacting a New Code for the City of Georgetown, Kentucky, Establishing the Same; Providing for the Repeal of Certain Ordinances not Included Therein; Providing for the Manner of Amending and Supplementing Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

Be it Enacted by the City Council of the City of Georgetown, Kentucky, as Follows:

Section 1. That the Code of Ordinances, consisting of Chapters 1 to 20, each inclusive, is hereby adopted and enacted as "Code of Ordinances, City of Georgetown, Kentucky" which Code shall supersede all general and permanent ordinances of the city adopted on or before April 21, 1983, to the extent provided in section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after December 1, 1983, and all ordinances of a general and permanent nature of the City adopted on final passage on or before April 21, 1983, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of such Code.

Section 3. That the repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That unless another penalty is expressly provided, a violation of any provision of such Code, or any provisions of any rule or regulation adopted or issued

pursuant thereto, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for up to thirty (30) days, or by both such fine and imprisonment, as provided in section 1-13 of such Code.

Section 5. That any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the governing body to make the same a part of such Code, shall be deemed to be incorporated in such Code, so that reference to such Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in section 4 of this ordinance and in section 1-13 of such Code shall apply to the section as amended, or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. Any ordinance adopted after April 21, 1983, which amends or refers to ordinances which have been codified in such Code, shall be construed as if they amend or refer to like provisions of such Code.

Section 8. That this ordinance and the Code adopted hereby, shall become effective [upon adoption.]

Whereupon the above ordinance was read for the first time on November 17, 1983, read for the second time, passed and approved December 1, 1983.

Charles E. Lenahan Mayor

ATTEST:

Lucille Pollett City Clerk

CODE

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. How code designated and cited.

The provisions of this and subsequent chapters in this Code shall constitute and be designated and cited as "The Georgetown Code," and may also be known as the "Code of Ordinances, City of Georgetown, Kentucky."

(Code 1966, § 1.1(a))

State law references: Codification authority, KRS 83A.060(5).

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless they are inconsistent with the intent of the council or the context clearly requires otherwise:

City. The nouns "city," "municipal corporation" or "municipality" when used in this Code shall denote the municipality of Georgetown, irrespective of its population or legal classification.

Code. The expressions "this Code" or "this Code of Ordinances" shall mean the City Code as designated in section 1-1, and as hereinafter modified by amendment, revision and by the adoption of new chapters or sections.

Council. The word "council" shall mean the council of the City of Georgetown.

County. The words "the county" or "this county" shall mean the County of Scott in the State of Kentucky.

Gender. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

KRS. The letters "KRS" or phrase "Revised Statutes" refer to the Revised Statutes of Kentucky, as amended.

General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Month. The word "month" shall mean a calendar month.

Number. Words in the singular shall include the plural, and words in the plural shall include the singular.

Officer, employee, department, board, commission or other city agency. Whenever any provision of this Code provides for the performance of a duty or creation of powers with respect to a particular officer, employee, department, board, commission or other city agency, such provision shall also apply to any duly authorized subordinate or representative and also to any other officer, employee, department, board, commission or other city agency who succeeds to the powers or duties of such officer, employee, department, board, commission or other city agency by reason of a change in the law or ordinance, even though such Code provision has not been specifically amended.

Or, and. Either conjunction "and" or "or" shall include the other as if written "and/or."

Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant of the whole or a part of such building or land, either alone or with others.

Person. The word "person" and its derivatives and the word "whoever" shall include a natural person, partnership or a corporate body or any body of persons corporate or incorporate. Whenever used in any clause prescribing and imposing a

penalty, the term "person" or "whoever" as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Personal property. "Personal property" includes every species of property except real property.

Property. The word "property" shall include real and personal property.

Real property. "Real property" includes land, tenements and hereditaments and shall embrace all chattels real.

Shall, may. Whenever the word "shall" appears in this Code it shall be considered mandatory and not directory. The word "may" shall be considered permissive.

State. The words "the state" shall be construed to mean the State of Kentucky.

Street. The word "street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, and the word "sidewalk" means that portion of a street between the curb lines of the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Time. Words used in the present or past tense include the future as well as the present and past.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Code as those governing the interpretation of the Kentucky Revised Statutes.

(Code 1966, §§ 1.1(b), 1.4)

State law references: Construction of statutes, KRS 446.010.

Sec. 1-3. Catchlines, titles, headings and notes.

The catchlines of the several sections of this Code printed in boldface type, titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in this Code, shall not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(Code 1966, §§ 1.1(c), 1.3)

Sec. 1-4. Application to territorial boundaries.

All provisions of this Code are limited in application to the territorial boundaries of the municipal corporation although the same may not be so limited specifically.

(Code 1966, § 1.1(d))

Sec. 1-5. Application to future legislation.

All of the provisions of this chapter, not incompatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this Code unless

otherwise specifically provided.

(Code 1966, § 1.2)

Sec. 1-6. Miscellaneous ordinances not affected by code.

Nothing in this Code or the ordinance adopting this Code shall be deemed to affect the validity of any of the following ordinances when not inconsistent with this Code, and all such ordinances are hereby recognized as continuing in full force and effect under their own terms and conditions:

- (1) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (2) Any ordinance authorizing the execution of agreements with other governments or agencies;
- (3) Any personnel and pay classification plan or other ordinance or part of an ordinance fixing salaries and other benefits of officers or employees of the city;
- (4) Any appropriation ordinance;
- (5) Any right or franchise granted to any person;
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city;
- (7) Any ordinance establishing and prescribing the street grades of any street in the city;
- (8) Any ordinance providing for local improvements or assessing taxes therefor;
- (9) Any ordinance dedicating or accepting any plat or subdivision in the city, or providing regulations for the same;
- (10) Any ordinance annexing property to the city;
- (11) Any zoning ordinance of the city;
- (12) Any taxation ordinance;
- (13) Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones or flow of traffic generally;
- (14) Any ordinance prescribing city rates, fees and charges;
- (15) Any temporary or special ordinance.

Sec. 1-7. Rule of separability.

Each chapter, section or, whenever divisible, part section of this Code of Ordinances is hereby declared to be separable, and the invalidity of any chapter, section or divisible part section, shall not be construed to affect the validity of any other chapter, section or part section of this Code.

(Code 1966, § 1.5)

Sec. 1-8. Reference to other sections.

Whenever in one (1) section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter be changed or materially altered by the amendment or revision.

(Code 1966, § 1.6)

Sec. 1-9. Reference to offices.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the city exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(Code 1966, § 1.7)

Sec. 1-10. Amendments to code.

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapter, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the city council.

(Code 1966, § 1.8)

Sec. 1-11. Supplementation of code.

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been

repealed shall be excluded from the Code by the omission thereof from reprinted pages.

- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Code 1966, § 1.8)

Sec. 1-12. Computing time.

The time within which an act is required by any provision of this Code or ordinance to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.

(Code 1966, § 1.9)

Sec. 1-13. General penalty; continuing violations.

- (a) It shall be unlawful for any person to violate or fail to comply with any provision of this Code, and where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding thirty (30) days or by both such fine and imprisonment; provided, however, that the fine, forfeiture or penalty for a violation of this Code shall not be less than the fine, forfeiture or penalty imposed by any state statute for the same offense. Each day any violation of any provision of this Code shall continue shall constitute a separate offense, unless otherwise provided in this Code.
- (b) In addition to the penalties provided for in subsection (a) any violation or

condition which constitutes a nuisance may be abated by the city.

(Code 1966, § 1.10)

State law references: Penalty for violation of municipal ordinance not to be less than that imposed by statute for same offense, Ky. Const. § 168; publication of ordinances imposing fines, forfeitures, imprisonment, taxes or fees, KRS 83A.060.

Chapter 2 ADMINISTRATION*

***Cross references:** Any personnel pay classification plan or any other ordinance or part of an ordinance fixing salaries and other benefits of officers or employees of the city saved from repeal, § 1-6(3); human rights commission, § 5-16 et seq.; disaster and emergency preparedness, ch. 6; administration of flood prevention, § 8-31 et seq.; taxation, ch. 17.

State law references: City of Georgetown classified as fourth class, KRS 81.010; general provisions applicable to cities, KRS ch. 82; organization of government in cities, KRS ch. 83A.

- Art. I. In General, §§ 2-1--2-15
- Art. II. Council, §§ 2-16--2-40
- Art. III. Officers, §§ 2-41--2-110
 - Div. 1. Generally, §§ 2-41--2-50
 - Div. 2. Mayor, §§ 2-51--2-60
 - Div. 3. Mayor Pro Tem, §§ 2-61--2-75
 - Div. 4. Clerk-Treasurer, §§ 2-76--2-95
 - Div. 5. City Attorney, §§ 2-96--2-110
- Art. IV. Officers and Employees in General, §§ 2-111--2-125
- Art. V. Departments, §§ 2-126--2-195
 - Div. 1. Generally, §§ 2-126--2-135
 - Div. 2. Fire Department, §§ 2-136--2-145
 - Div. 3. Police Department, §§ 2-146--2-180
 - Sub. Div. I. In General, §§ 2-146--2-160
 - Sub. Div. II. Salary Supplement for Police Officers, §§ 2-161--2-180
 - Div. 4. Building Department, §§ 2-181--2-195
- Art. VI. Boards and Commissions, §§ 2-196--2-310
 - Div. 1. Generally, §§ 2-196--2-205
 - Div. 2. Board of Water and Sanitary Sewer Commissioner, §§ 2-206--2-235
 - Div. 3. Housing Commission, §§ 2-236--2-245
 - Div. 4. Air Board, §§ 2-246--2-260
 - Div. 5. Parks, Playground and Recreation Board, §§ 2-261--2-275
 - Div. 6. Recreational Tourist and Convention Commission, §§ 2-276--2-290
 - Div. 7. Historic Commission, §§ 2-291--2-300
 - Div. 8. Architectural Review Board, §§ 2-301--2-303
 - Div. 9. Cemetery Ministerial Board, §§ 2-304--2-306
 - Div. 10. Georgetown Business Park Authority, §§ 2-307--2-310
- Art. VII. Ethical Conduct of Officers and Employees, §§ 2-311--2-382
 - Div. 1. Generally, §§ 2-311--2-324
 - Div. 2. Standards of Conduct, §§ 2-325--2-342
 - Div. 3. Financial Disclosure, §§ 2-343--2-360
 - Div. 4. Nepotism, §§ 2-361--2-370
 - Div. 5. Enforcement, §§ 2-371--2-382

ARTICLE I. IN GENERAL

Secs. 2-1--2-15. Reserved.

ARTICLE II. COUNCIL*

***State law references:** Legislative body, KRS 83A.030; form and procedure for enacting ordinances, KRS 83A.060; mayor-council plan, KRS 83A.130.

Sec. 2-16. Number of councilmen.

Eight councilmen shall be voted for and elected by the qualified voters of the city at large; such councilmen to have the qualifications provided by law and be elected for the term of office provided by law.

(Code 1966, § 32.1)

State law references: Size of legislative body, KRS 83A.030(1).

Sec. 2-17. Installation of councilmen.

Upon the return of the certificate by the officers of election showing the persons receiving a majority of the votes cast at an election for the office of councilman, it shall be the duty of the council receiving such certificate to direct the clerk of council to record the same in the journal of proceedings, together with an order declaring the persons named in such certificates duly elected councilmen of the city, and shall also direct the clerk to issue notice to each of the persons so elected, notifying them of the fact of their election.

(Code 1966, § 32.2)

Sec. 2-18. Quorum.

- (a) A majority of the members of council shall constitute a quorum. Such quorum shall have the full power to act; and all motions, ordinances or resolutions may be adopted by a majority of such statutory quorum.
- (b) If any statutory provision of the state requires a greater number for a quorum or for voting on any matter, the provisions of such statute shall apply.

(Code 1966, § 32.3)

State law references: Quorum, KRS 83A.060(6).

Sec. 2-19. First meeting; oath of office.

Members elected to the council shall meet on the first Monday in December after their election in the city hall, and take the oath prescribed by the constitution, and in addition thereto, an oath that they will faithfully and without favor or affection to anyone, discharge the duties of councilmen of the city during their continuance in office. The council, elect shall then be called to order by the mayor and enter upon the discharge of the duties of their office.

(Code 1966, § 32.4)

State law references: Oath of officers and attorneys, Ky. Const. § 228.

Sec. 2-20. Regular meetings.

The council shall meet regularly on the first and third Thursday nights of each month at the hour of 7:30 p.m., in the council chamber, city hall.

(Code 1966, § 32.5)

State law references: Mandate for regular meetings, KRS 83A.130(11).

Sec. 2-21. Adjourned meetings.

At any regular meeting the council may adjourn to another time before the next regular meeting; and such meeting when held shall be known as an adjourned meeting. Any business which could be transacted at any regular meeting may be considered and voted upon at any adjourned meeting. At any adjourned meeting, the council may likewise adjourn to another time which precedes the next regular meeting.

(Code 1966, § 32.6)

Sec. 2-22. Special meetings.

The mayor may call special sessions of the council by reasonable notice, whenever in his judgment it may be necessary, and he shall do so upon the written request of a majority of the council.

(Code 1966, § 32.7)

State law references: Similar provisions, KRS 83A.130(11).

Sec. 2-23. Rules of order.

The council hereby adopts Robert's Rules of Order for the conduct of its meetings.

Sec. 2-24. Standing committees.

(a) The mayor shall appoint the following standing committees of council:

- (1) Police;
- (2) Finance;
- (3) Fire, safety and welfare;
- (4) Public works.

(b) The standing committees shall be advisory only. They shall advise the council and make recommendations concerning those subject areas assigned to them.

(Code 1966, § 32.10)

Sec. 2-25. Use of city hall.

The council is hereby authorized to designate the occupancy of any or all of the city hall, and the use of the city hall by motion without the passage of any other ordinance, and without publication.

(Code 1966, § 32.70)

Cross references: Streets, sidewalks and other public places, ch. 15.

Secs. 2-26--2-40. Reserved.

ARTICLE III. OFFICERS*

***State law references:** Creation of nonelective city offices, KRS 83A.080; establishment of appointive offices, KRS 83A.130(12).

DIVISION 1. GENERALLY

Sec. 2-41. Elected officers--Generally.

- (a) At the regular November election in the year 1917 and every four (4) years thereafter there shall be elected by the qualified voters of the city the following officer: mayor whose terms of office shall begin on the first Monday in January succeeding his election and shall continue for a period of four (4) years and until his successor is elected and qualified.
- (b) At the regular November election in the year 1929, and every four (4) years thereafter, there shall be elected by the qualified voters of the city, the following officers of the city: clerk-treasurer, city attorney whose terms of office shall begin on the first Monday of January succeeding their election and shall continue for a period of four (4) years and until their successors are elected and qualified.

(Code 1966, § 30.1)

State law references: Election of mayors and legislative bodies, KRS 83A.040(1).

Sec. 2-42. Same--Elections to be nonpartisan.

- (a) Upon the effective date of this section the election of all elected city officials shall be on a nonpartisan basis, pursuant to the provisions of Kentucky Revised Statutes Chapter 83A.
- (b) Primary elections held for all elected city officials where required under the provisions of KRS ch. 83A. All city candidates shall file his or her nomination papers with the county clerk no later than one hundred nineteen (119) days prior to the day fixed by KRS ch. 118 for holding a primary election. This filing deadline is provided by KRS ch. 83A. In the event the filing deadline provided is KRS ch. 83A is amended by the legislature, the filing deadline required herein shall be

deemed to be that required by the amended statute. All nomination papers filed on the last day shall be filed no later than 4:00 p.m.

- (c) In all other respects, the conducting of the nonpartisans elections provided for herein shall be according to the provisions of KRS chs. 83A and 116 to 121.

(Ord. No. 90-020, §§ 1--3, 9-6-90)

Editor's note: Ord. No. 90-020, §§ 1--3, adopted Sept. 6, 1990, did not specifically amend the Code; hence, its inclusion herein as § 2-42 was at the discretion of the editor.

Secs. 2-43--2-50. Reserved.

DIVISION 2. MAYOR*

***Editor's note:** Ord. No. 88-011, §§ 1, 2, adopted May 19, 1988, did not specifically amend the Code; hence, its inclusion herein as Art. III, Div. 2, §§ 2-51 and 2-52 was at the discretion of the editor. Section 3, dealing with the effective date, has been omitted from publication.

State law references: Powers and duties of mayor, KRS 83A.130.

Sec. 2-51. Emergency powers.

In times of emergency, the mayor shall be available to make such executive determinations as may be required to ensure the appropriate response by this government to the needs of our constituents.

(Ord. No. 88-011, § 1, 5-19-88)

Sec. 2-52. Disability of mayor during times of emergency; order of succession of authority.

In the event of disability of the mayor during times of emergency which prevents the effective exercise of the duties of that office, all necessary authority shall vest in that council member who received the greater number of votes in the previous general election in which a council seat was contested. That member being unable to serve, all necessary authority shall vest in the council member with the most successive terms in office. If that member is unable to serve, the succession shall fall to the next most senior member. This order of succession shall continue until a member is able to serve. In the event there are two (2) or more members with the same tenure, succession shall fall to that member receiving the higher number of votes in the last general election in which a council seat was contested.

(Ord. No. 88-011, § 2, 5-19-88)

Secs. 2-53--2-60. Reserved.

DIVISION 3. MAYOR PRO TEM

Sec. 2-61. Office created.

The office of mayor pro tem is hereby created.

(Ord. No. 81-004, § 1, 5-7-81)

Sec. 2-62. Method of selection.

Pursuant to the provisions of KRS 83A.130(5) the office of mayor pro tem shall be held by that person elected to the council at the regular November election who shall have received the highest number of votes in the election. The council, at its first meeting, as prescribed by section 2-19, shall certify appointment of the mayor pro tem in accordance with the provisions of section 2-17. The member of the council appointed mayor pro tem shall serve as such concurrent with his term as a member of the council.

(Ord. No. 81-004, § 2, 5-7-81)

Sec. 2-63. Compensation.

The mayor pro tem shall receive no additional compensation to that paid members of the council.

(Ord. No. 81-004, § 3, 5-7-81)

Sec. 2-64. Duties.

The mayor pro tem shall have those duties and responsibilities as prescribed by KRS 83A.130(5).

(Ord. No. 81-004, § 4, 5-7-81)

Secs. 2-65--2-75. Reserved.

DIVISION 4. CLERK-TREASURER*

*State law references: Finance and revenue of cities, KRS ch. 91A.

Sec. 2-76. Qualifications.

No person shall be eligible to the office of clerk-treasurer unless he has been a qualified voter of the city for at least two (2) years previous to his election.

(Code 1966, § 33.1)

Sec. 2-77. Merger of clerk and treasurer.

- (a) The functions and duties of the city clerk are hereby conferred upon the city treasurer, who will be known as clerk-treasurer. In addition to the duties prescribed by state law, the clerk-treasurer shall be elected by popular vote for a

four (4) year term beginning with the elections held in 1957, for a term beginning in the year 1958, and every four (4) years thereafter.

- (b) The bond for the clerk-treasurer shall be as set by council, which shall be a bond furnished by an approved casualty and insurance company, and the officer shall pay the premium for same.

(Code 1966, § 33.2)

Sec. 2-78. Attendance at council meetings.

The clerk-treasurer shall be present at each meeting of council, and he shall have the journal of proceedings present at all regular meetings, or at other times when so ordered by the council. He shall read the proceedings of each meeting at the first regular meeting thereafter, and when the record shall be approved by the council, he shall attest the same and present it to the mayor for his signature, and the record shall at all times be open to the inspection of the members of the council, or any person interested in the proceedings thereof.

(Code 1966, § 33.3)

Sec. 2-79. Journal of proceedings.

It shall be the duty of the clerk-treasurer to keep a regular journal of the proceedings of the council. He shall record therein all the acts, resolutions and orders of council, all official or other bonds, with the names of the signers and the dates thereof, all official reports of committees, all contracts entered into by the council, the substance in brief of all petitions received and acted upon, and all claims and allowances made by the council, and he shall keep a full and correct index of all matters contained in the journal of proceedings.

(Code 1966, § 33.4)

Sec. 2-80. Preservation of records.

It shall be the duty of the clerk-treasurer to preserve all the books, papers and records of his office, and file properly endorsed, all reports of officers, and committees, contracts, bonds and all other papers, received and acted on by council, and he shall deliver to his successor in office, or the council, when so required by it, all books and papers in his hands belonging to his office.

(Code 1966, § 33.5)

Sec. 2-81. Record of legislation.

It shall be the duty of the clerk-treasurer to keep in a separate book a record of the number and date of passage of each ordinance passed by the council and published as required by law, and also all resolutions passed by the council and which are required by law to be published, such record to show in what papers such ordinances or resolutions were published, and how often such newspaper was issued, whether daily, weekly or semiweekly, or otherwise as the case may be. A copy of each ordinance or resolution so passed and published will be securely pasted in the book and an index to the book be made showing the number of each ordinance and subject it relates to and

the subject matter of each resolution and page where found, and at the bottom of each page or at end of each ordinance or resolution the clerk-treasurer shall write the particulars as to each as above set forth and sign his name as clerk thereto.

(Code 1966, § 33.6)

Sec. 2-82. Countersigning of bonds; seal.

It shall be the clerk-treasurer's duty to countersign all bonds issued by the city and affix the seal of the city thereto after same have been signed by the mayor.

(Code 1966, § 33.7)

Sec. 2-83. Attested copies of bonds.

It shall be the duty of the clerk-treasurer to furnish attested copies of any bonds, contracts, resolutions or orders of the council whenever required by persons entitled to the same, or when so directed by the council. He shall issue attested copies of all notices authorized and directed by the council and deliver the same to the proper officer to be served.

(Code 1966, § 33.8)

Sec. 2-84. List of city property.

The clerk-treasurer shall keep in the book of accounts a list of all property owned by the city, of whom bought, for what use, date of purchase and amount paid therefor; also, a list of all property sold and transferred by the council, to whom sold, date of sale, and the amount received therefor.

(Code 1966, § 33.10)

Sec. 2-85. Report of city officer's indebtedness.

The clerk-treasurer shall report all officers and persons indebted to the city who fail to render their accounts in proper time or pay moneys in their hands into the treasury.

(Code 1966, § 33.11)

Secs. 2-86--2-95. Reserved.

DIVISION 5. CITY ATTORNEY*

***Editor's note:** Ord. No. 86-001, §§ 1, 2, adopted January 2, 1986, abolished the elective office of city attorney pursuant to KRS 83A-080. Ord. No. 86-003, §§ 1--6, adopted March 6, 1986, which established the appointed office of city attorney, has been treated as superseding the provisions of former §§ 2-96--2-98, and set out herein as §§ 2-96--2-101. Former §§ 2-96--2-98 was concerned with similar provisions and derived from the Code of 1966, §§ 34.1--34.3.

Sec. 2-96. Statement of purpose.

The purpose of this division is to establish the appointed office of city attorney, the elective office having been abolished, pursuant to statute, provide for the title, oath and duties of the office, set the compensation, create the position of secretary to the city attorney and provide for the facilities of the office.

(Ord. No. 86-003, § 1, 3-6-86)

Sec. 2-97. Officer created.

- (a) *Generally.* An appointed office entitled city attorney is hereby created. The position shall be a full-time position. The holder of this position shall be available to meet the city's legal needs at all times.
- (b) *Private practice.* The city attorney shall be free to continue a private law practice in any area of law which is not in conflict with the interests of the city and which does not interfere with the office holder's ability to perform the duties of the office.
- (c) *Appointment; bond.* The appointment shall be made by the mayor, with the approval of the city council. The city attorney's bond shall be set at five thousand dollars (\$5,000.00), with sufficient surety.
- (d) *Oath of office.* The oath of office, provided in section 228 of the Kentucky Constitution, shall be administered to the appointee before taking office.

(Ord. No. 86-003, § 2, 3-6-86)

Sec. 2-98. Duties and obligations.

The duties of the office shall include, but are not limited to, the following:

- (1) Represent the city in all actions;
- (2) Provide legal advice to all city officers upon request;
- (3) Perform all duties required by the Georgetown Code of Ordinances and the Kentucky Revised Statutes;
- (4) Draft or approve all documents, contracts, agreements or ordinances;
- (5) Inform all city officers of current law and the implications on the respective offices;
- (6) No private employment shall be accepted by the city attorney which conflicts, in any way, with the city's best interests. The city attorney shall give priority to the city's work over all other obligations.

(Ord. No. 86-003, § 3, 3-6-86)

Sec. 2-99. Compensation.

The initial compensation for this office shall be fourteen thousand four hundred

dollars (\$14,400.00) per annum. This amount may be changed by majority vote of the council.

(Ord. No. 86-003, § 4, 3-6-86)

Sec. 2-100. Secretary; duties.

There is hereby created the position of secretary to the city attorney. The duties of this position include, but are not limited to, stenographic, typing and bookkeeping for city attorney's public and private business.

(Ord. No. 86-003, § 5, 3-6-86)

Sec. 2-101. Offices and telephone to be provided.

- (a) The city shall provide a telephone and the offices currently designated as the city attorney's office for the use of the city attorney. The city attorney may conduct private practice out of the office.
- (b) The secretary, office and phone are being provided to the attorney as a result of the city's need to have the attorney available to city hall at all times and to offset the loss of private practice resulting from preoccupation with city work. This additional provision is necessary to attract qualified applicants to the position and is reasonably related to the value of services required of the position.

(Ord. No. 86-003, § 6, 3-6-86)

Secs. 2-102--2-110. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES IN GENERAL

Sec. 2-111. Personnel and pay classification plan.

- (a) The purpose of this section is to comply with the requirements of KRS 83A.070(3), providing that each city shall fix the compensation of city employees in accordance with a personnel and pay classification plan which plan shall be adopted by ordinance.
- (b) There is hereby adopted by reference, "personnel policies and procedures," such document being on file in the clerk-treasurer's office, made a part hereof, incorporated herein by reference, and marked "Exhibit A" for purposes of identification.
- (c) Those positions of employment as are set forth in "Exhibit B" on file in the clerk-treasurer's office, made a part hereof, and incorporated herein by reference, are hereby established as authorized positions of employment, and the system of classification as set forth in the document is hereby adopted.
- (d) The compensation of all city employees is hereby fixed in accordance with the "schedule of compensation," which schedule is on file in the clerk-treasurer's office, made a part hereof, incorporated herein by reference, and marked "Exhibit C" for the purpose of identification.

(Ord. No. 82-006, §§ 1--4, 12-2-82)

Editor's note: Ord. No. 00-35, §§ I--III, adopted December 21, 2000, repealed the provisions of Ord. No. 96-012, articles 1--3, and 5--7, which pertained to the creation of employee positions, the repeal of former personnel policies, the adoption of the personnel policies and employee handbook, and work plans for existing personnel. Ord. No. 00-35 readopted and amended article 4 of Ord. No. 96-012, which pertained to employee position classifications. The amended employee position classifications are not set out herein but are on file and available for inspection in the office of the clerk-treasurer. Subsequently, Ord. No. 00-35 was amended by Ord. No. 02-029, adopted November 21, 2002.

Sec. 2-112. Municipal code enforcement officer.

- (a) *Creation of municipal code enforcement officer.* There is created one (1) position of municipal code enforcement officer. This position would answer to the offices of mayor and city administrative officer. The position would require the qualifications and performance of duties set out on the attached position classification which is incorporated as part of this section and designated Exhibit A.
- (b) *Positions subject to temporary re-assignment.* This position, as all city employees, is subject to temporary re-assignment by the mayor as the needs of the city dictate. This position, as all city employees, is subject to the assignment of additional duties, as the needs of the city dictate. A specific assignment of additional duties which this employee may receive shall be the duties of a risk management officer. Such assignment is anticipated with the creation of this position. The position classification for risk management officer is attached. This attachment is for illustrative purposes only. No separate position is being created.

(Ord. No. 96-033, §§ 1, 2, 1-2-97; Ord. No. 03-013, 4-17-03)

Editor's note: Ord. No. 96-033, §§ 1, 2, adopted Jan. 2, 1997, was nonamendatory of the Code; hence, inclusion herein as § 2-112 was at the discretion of the editor.

Exhibit A of Ord. No. 96-033 is not set out herein but is available for inspection in the office of the director of finance.

Sec. 2-113. Authority to issue citations--Non-moving motor vehicles.

- (a) *Citation authority.* Pursuant to KRS 83A.087, the city enforcement officer is, from the effective date of this section, authorized to issue citations for the violation of non-moving motor vehicle offenses and ordinances, including locally adopted national codes such as the property maintenance code.
- (b) *Qualifications.* The city enforcement officer, as a citation officer, shall have all qualifications prescribed by the ordinance creating that position and the job classification.
- (c) *Officer's authority.* The city enforcement officer, as a citation officer, shall not have the power of arrest or the authority to carry deadly weapons. The citation officer may issue citations as authorized by the state law and this section upon observation of apparent violations.

The procedure for the issuance of citations by a citation officer shall be as provided in KRS 431.015.

This section shall authorize all enforcement officers, the positions of which, are created subsequent to this section, to issue citations.

(Ord. No. 98-002, §§ 1--3, 3-19-98)

Secs. 2-114--2-125. Reserved.

ARTICLE V. DEPARTMENTS

DIVISION 1. GENERALLY

Secs. 2-126--2-135. Reserved.

DIVISION 2. FIRE DEPARTMENT*

***Cross references:** Fire prevention and protection, ch. 7.

Sec. 2-136. Appointment of fire chief; appointment of members.

The chief of the fire department shall be appointed by the mayor with the approval of the council at their first meeting each year and shall be subject to removal by the council at any time.

(Code 1966, § 36.1)

Sec. 2-137. Duties of chief.

The duties and powers of the chief of the first department shall be as follows: He shall be present at all fires, and see that a proper application is made of the means at command for the extinguishment thereof. He is hereby clothed with full police authority in all matters relating to the fire department, and should an occasion occur that those belonging to the department are not sufficient to check the progress of the fire, protect surrounding property and maintain order, he may, for the time being, summon such additional force of citizens as may be necessary for the occasion. Any person so summoned and failing to obey shall be guilty of a misdemeanor. The chief shall have the general direction and control of all the members and apparatus connected with and belonging to the department, and shall see that members perform their several duties, and shall inspect and test all the apparatus at least once each month to see that everything is in good working order. He is hereby authorized, and it is made his duty, to visit any house, yard, or premises, in the city, wherein it is known or supposed that any kind of article or fixture exists which may be dangerous in causing or promoting fires; and on examination thereof, should any such danger appear, he shall in writing direct the owner, agent, or occupier of the premises containing such article or fixtures to remove, alter or amend the same in such manner as he may deem necessary and

reasonable. Any person who would obstruct or hinder him in the discharge of his duties shall be guilty of a misdemeanor. If the person so notified shall fail or refuse to comply with the chief's requirements, he shall report the facts of the case to the council, who shall, after investigation, take such action in the premises that may be proper.

(Code 1966, § 36.2)

Sec. 2-138. Use of fire equipment beyond city limits.

- (a) The fire department will answer fire calls outside the city limits by using the full length of such hose as may be on the fire engine at the time, connected to the last city fire hydrant; and the actual cost of fighting such fire shall be charged to the property owner or person legally in charge of the premises. In these cases the fire alarm shall not be sounded, and the answering crew shall not exceed five (5) men, including the driver of the engine. Only one (1) engine shall be sent in such cases.
- (b) In addition to the cost of the crew, a minimum truck and service charge of twenty dollars (\$20.00) shall be made. If the truck so dispatched shall be needed in the city or if fire breaks out in the city, the truck shall immediately leave the scene of the county fire and return to the city.
- (c) The provisions of KRS 95.830 and other pertinent laws shall apply as to the liability and status of the members of the city department and as to all other matters relating to use of the equipment.
- (d) Notwithstanding the provisions of subsections (a) or (b), fire equipment of the city may be dispatched to any city-owned or city-leased property outside the city limits.

(Code 1966, § 36.3)

Sec. 2-139. Number of firefighter positions.

The position of firefighter/EMT, grade 6, will comply with all duties, qualifications and requirements provided in the attached position classification. There will be twenty-eight (28) firefighter/EMT positions, grade 6.

(Ord. No. 04-015, § 1, 7-1-04)

Editor's note: The position classification attached to Ord. No. 04-015 has not been included herein but is available for inspection in the office of the clerk-treasurer.

Secs. 2-140--2-145. Reserved.

DIVISION 3. POLICE DEPARTMENT*

***Cross references:** Offenses, ch. 10; traffic and motor vehicles, ch. 18.

Subdivision I. In General

Sec. 2-146. Command of police department.

All policemen of the city shall be under the command and direction of the chief of police, and shall execute all their legal orders and warrants of arrest, processes, subpoenas and attachments for witnesses delivered to them whether the same be directed to them or not.

(Code 1966, § 36.25)

Sec. 2-147. Number of police officers.

The police force of the city shall consist of the following officers: chief of police, who is appointed by the mayor with the approval of the city council and is subject to removal at any time for cause by the city council; city square patrolmen and fire truck drivers, patrolmen and sergeants and such other officers as determined from time to time by the council who shall be subject to assignment for day or night duty according to regulations of the department, and at least two (2) of whom shall be assigned at all times to night duty.

(Code 1966, § 36.26)

Sec. 2-148. Surety bond.

- (a) The chief of police and any deputies appointed by him before entering upon the discharge of their duties shall take the oath required by law and shall execute bond with good surety in the sum of two thousand five hundred dollars (\$2,500.00), to be approved by the council, to the state, for the benefit of whom it may concern, that they will faithfully discharge all the duties, of the office and pay over all sums of money that may come into their hands, to the persons entitled thereto.
- (b) All other policemen of the city before entering upon the discharge of their duties shall take the oath required by law and give bond with approved surety before the mayor, to the state the sum of one thousand dollars (\$1,000.00) for the faithful performance of the duties of their office; provided that extra or special police appointed for less than a week shall not be required to execute a bond.

(Code 1966, § 36.28)

Sec. 2-149. Duties of chief.

- (a) The chief of police shall be in command of the police force in the city. He shall attend all sessions of the council, execute the orders thereof and preserve order thereat and serve notice as directed by the mayor and council. He shall execute all processes, orders and judgments of any court that may be directed to him.
- (b) He shall see that the laws and ordinances of the city are complied with. He shall give information to the city attorney of all offenses against the laws and ordinances, and cause prosecutions to be instituted when so directed by the mayor or city attorney, whether the knowledge of the commission of offenses

comes to him from his own observation, or from information from others.

- (c) He shall report to the mayor any loss or damage to the property of the city. He shall ascertain that all persons doing a business requiring a license have procured the same and he shall immediately notify the city attorney and have a warrant issued against any person doing such business without a license procured from the clerk-treasurer.

(Code 1966, § 36.29)

Sec. 2-150. Authority of state patrol within city.

The mayor is hereby authorized and directed to request that the department of state police be granted full police authority within the corporate limits of the city under the laws and statutes of the state, subject to the following conditions:

- (1) The police power requested will not in any manner supplant the power of the local city police now existing in the city, but shall only be supplementary.
- (2) Request for such authority is subject to the approval of the commissioner of state police and is effective from and after the date of such approval and is to continue in effect until revoked.
- (3) The revocation of the police power requested may be done by either the commissioner of state police or the mayor, by writing to that effect.
- (4) Nothing shall be construed as placing the entire burden of keeping peace and order in the city upon the state police, but the purpose of this section and request is to permit the officers of the state police to arrest for infractions of the law when noted in the course of their regular patrol and when specific acts occur in their presence and upon specific complaint by citizens or local authorities.
- (5) Due to the department of state police having received eighty (80) percent of its present appropriation from funds of the department of highways, the major portion of its duties shall lie in enforcing motor vehicle and traffic laws, and this must continue to be carried out in spite of the general police duties the department must perform.
- (6) The mayor is hereby authorized and directed to execute the request on a form submitted by the department of state police, and the clerk-treasurer is hereby authorized and directed to attest and affix the seal of the city to the request as the act and deed of the city.

(Code 1966, § 36.36)

Sec. 2-151. Additional positions.

- (a) *Creation of captain positions.* There is created two (2) captain positions. These two (2) include the one (1) that pre-existed this section, making a net increase of one (1) captain position. These positions would be for general assignment in each of the two (2) divisions of the department, operations, patrol and investigations. The applicable job description is attached and designated exhibit

A.

- (b) *Creation of lieutenant positions.* There is created four (4) lieutenant positions. These four (4) include the two (2) that pre-existed this section, making a net increase of two (2) lieutenant positions. These positions would be for general assignment in each of the divisions of the department, operations, and investigations, and two (2) for the patrol division. The applicable job description is attached and designated exhibit B.
- (c) *Creation of sergeant positions.* There is created eight (8) sergeant positions. These eight (8) include the five (5) that pre-existed this section, making a net increase of three (3) sergeant positions. Seven (7) of these positions would be for general assignment in the patrol division and one (1) for general assignment to investigations. The applicable job description is attached and designated exhibit C.
- (d) *Chief of police.* The police chief, a position created by prior ordinance, shall, in addition to the requirements set out in existing law, be subject to the job description attached and designated exhibit D.
- (e) *Positions subject to temporary re-assignment.* All of the positions in the police department are subject to temporary re-assignment by the chief as the needs of the department dictate.
- (f) *Creation of patrol positions.* There is created thirty-two (32) patrol officer II positions, grade 6. These thirty-two (32) positions include the twenty-nine (29) positions that pre-existed this section, resulting in a net increase of three (3) in the number of patrol rank positions. These positions would be for general assignment. The applicable job description is attached and designated exhibit E.

(Ord. No. 96-009, §§ 1--6, 3-7-96; Ord. No. 04-10, §§ 1, 2, 5-20-04; Ord. No. 04-015, § 2, 7-1-04)

Editor's note: Ord. No. 96-009, §§ 1--6, adopted March 7, 1996, was nonamendatory of the Code; hence, inclusion herein as § 2-151 was at the discretion of the editor.

Exhibits A--E of Ord. No. 96-009 are not set out herein but are available for inspection in the office of the clerk-treasurer.

Sec. 2-152. Ratification and re-creation of the preexisting city police department.

The police department pre-existed any record currently in the possession of the city. The KLEFF program provides incentive funds for officers of the city's police department. The eligibility requirements of that program require the department to be created by ordinance. The time which has passed since the creation of the department precludes the location of the original ordinance. To comply with KLEFF requirements, the lawful existence of the city police department is ratified and, by this section, recreated in order to comply with the program participation requirement that the department be created by ordinance which can be provided to the program auditor.

(Ord. No. 99-003, § 1, 1-21-99)

Secs. 2-153--2-160. Reserved.

Subdivision II. Salary Supplement for Police Officers

Sec. 2-161. Participation in law enforcement foundation program.

The city declares its intention to participate in the law enforcement foundation program established by KRS 15.410 to 15.510.

(Code 1966, § 36.50)

Sec. 2-162. Qualifications for supplement.

- (a) Each officer employed on or after July 1, 1973, shall have as a minimum educational attainment a high school degree, or its equivalent as determined by the state law enforcement council.
- (b) Each officer employed on or after July 1, 1972, shall within one (1) year of his date of employment complete a basic training course of at least four hundred (400) hours' duration at a school certified or recognized by the state law enforcement council.

(Code 1966, § 36.52)

Sec. 2-163. In-service training course.

- (a) Each officer, whether originally employed before or after July 1, 1972, shall successfully complete each year an in-service training course of forty (40) hours' duration appropriate to his rank and responsibility at a school certified or recognized by the state law enforcement council.
- (b) Each officer shall receive in each calendar year five (5) days' time off with pay for the purpose of taking the required in-service training.

(Code 1966, § 36.53)

Sec. 2-164. Reductions or increases in salary.

No officer shall have his base salary reduced or be denied a normal salary increase to which he is otherwise entitled because of the salary incentive payments provided by the state crime commission under KRS 15.410 to 15.510.

(Code 1966, § 36.54)

Sec. 2-165. Eligibility of police department.

The police department and each officer thereof shall comply with all provisions of law applicable to local police, including the transmission of data to the bureau of criminal information and statistics as required by KRS 17.150.

(Code 1966, § 36.55)

Sec. 2-166. Chief of police to prepare reports.

The chief of the police department shall prepare or cause to be prepared such

quarterly and other reports as may be reasonably required by the state crime commission to facilitate administration of the fund and further the purposes of KRS 15.410 to 15.510.

(Code 1966, § 36.56)

Sec. 2-167. Compliance with rules and regulations.

The police department and each officer thereof shall further comply with all reasonable rules and regulations, appropriate to the size and location of the local police department, issued by the state crime commission to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510.

(Code 1966, § 36.57)

Sec. 2-168. Administration of funds.

- (a) The clerk-treasurer shall deposit in an appropriate account which can be identified separately from all other sources all monies received under KRS 15.410 to 15.510.
- (b) Forthwith upon receipt of any monies under KRS 15.410 to 15.510 the clerk-treasurer shall pay to each police officer the full amount received on behalf of that officer, giving to each officer a check stub or receipt on which the gross amount of monies paid to him under KRS 15.410 to 15.510 is included and identified.
- (c) All financial records relating to monies received under KRS 15.410 to 15.510 shall be retained for a period of three (3) years and until the completion of an audit approved by the state crime commission and the United States Law Enforcement Assistance Administration.

(Code 1966, § 36.58)

Secs. 2-169--2-180. Reserved.

DIVISION 4. BUILDING DEPARTMENT*

***Cross references:** Buildings and building regulations, ch. 4.

Sec. 2-181. Duties of building official.

The building official shall have the following duties:

- (1) The duties set out for the building official in the Kentucky Building Code and KRS ch. 198B;
- (2) The duties set out for the "officer" in the standards of safety and KRS 227.320 through 227.400;

- (3) The duties set out for the building official in the zoning ordinance;
- (4) The enforcement of chapter 9 on nuisances.

(Code 1966, § 37.1)

Sec. 2-182. Qualifications of building official.

The building official must possess the qualifications as established by the ordinance creating the position.

(Code 1966, § 37.2)

Secs. 2-183--2-195. Reserved.

ARTICLE VI. BOARDS AND COMMISSIONS*

***Cross references:** Human rights commission, § 5-16 et seq.

DIVISION 1. GENERALLY

Sec. 2-196. Uniform regulatory provisions.

- (a) *Purpose.* The purpose of this section is to provide uniform regulation of the boards and commissions which serve the citizens of Georgetown.
- (b) *Regulations.* All boards and commissions which are appointed by the mayor and approved by the council shall be governed by the following regulations:
 - (1) Files will be maintained by the mayor which list the member's names, terms, expiration dates, meeting minutes and annual budget for each board or commission over which the city has jurisdiction by means of appointment to appropriations.
 - (2) Each board shall provide to the mayor's office a copy of its minutes within ten (10) days of their approval.
 - (3) Each board shall provide to the mayor's office a copy of its budget within thirty (30) days of its approval.
 - (4) The terms of board and commission members shall not exceed four (4) years.
 - (5) Members of city-appointed boards and commissions shall not be members of more than one (1) such board or commission during their term.
 - (6) No member shall be appointed to serve more than two (2) consecutive full terms on any board or commission. Full term is defined to be four (4) years. Partial terms where a member is appointed to fill a vacancy shall not be counted as a full term.

- (7) All terms shall be staggered.
- (8) All board or commission members shall be subject to removal if they fail to attend at least two-thirds of all regular and called meetings.
- (9) All boards with regularly scheduled meetings shall meet at those times, except in the case of emergencies justifying a special meeting.
- (10) The members of the ambulance board shall be appointed, except the mayor and judge/executive, who shall remain ex-officio members.
- (11) All potential nominees to city-appointed boards and commissions shall provide the mayor with information concerning their membership on other boards. Membership on non-city-appointed boards which are potentially in conflict with the responsibilities of the board to which the person is considered for appointment shall be grounds for disqualification of the person for appointment to the city board.
- (12) All boards and commissions shall fully comply with these rules within six (6) months of the adoption of this section.
- (13) The bylaws of all boards and commissions shall be amended to provide for the terms of its members to end in December.

(Ord. No. 89-013, § 1, 2, 7-6-89)

Editor's note: Ord. No. 89-013, §§ 1, 2, adopted July 6, 1989, did not specifically amend the Code; hence, its inclusion herein as Art. I, § 2-196 was at the discretion of the editor. Section 3, dealing with the effective date, has been omitted from codification.

Secs. 2-197--2-205. Reserved.

DIVISION 2. BOARD OF WATER AND SANITARY SEWER COMMISSIONERS*

***Cross references:** Utilities, ch. 19.

Sec. 2-206. Established.

- (a) The management, control and operation of the combined and consolidated municipal waterworks and sanitary sewer system of the city is hereby placed in the board of water and sanitary sewer commissioners created, appointed and functioning as provided in Ordinance No. 550 adopted September 7, 1945 as amended and that board shall hereafter be known and designated as the "board of water and sanitary sewer commissioners" of the city. The terms, powers and nonpartisan character of the board shall continue the same as provided for in sections 2-207--2-219, except that the board shall assume the additional duties and receive additional compensation therefor, as set out in sections 2-207--2-219.
- (b) On and after its appointment, the said board of water commissioners shall have

full, complete and exclusive supervision, management and control of the municipal water works plant and system of said city, including the administration, maintenance and operation and extension thereof except as hereinafter set out.

(Code 1966, § 38.2; Ord. No. 91-001, § 1, 1-3-91)

Sec. 2-207. Meetings.

At all meetings of the board of water and sanitary sewer commissioners, the chairman shall preside thereat when present and at call of special meetings of the board when necessary. Provisions shall be made for holding at least one (1) regular meeting each month, of which special notice need not be given. The secretary shall keep a record of the proceedings of the board, which shall be available for inspection at all times, as other municipal records. Any commissioner failing to attend four (4) successive regular meetings without cause acceptable and approved by the board, shall be automatically removed from office and the vacancy shall be filled as hereinbefore provided.

(Code 1966, § 38.3)

Sec. 2-208. Membership.

The board of water and sanitary sewer commissioners shall consist of three (3) commissioners, who shall be users of city water, and legal voters of the city, and possessing the qualifications of a member of the council. Such commissioners shall be appointed in the first instance by the mayor, subject to the approval of the council. One (1) member shall be designated chairman by the mayor, and one (1) member treasurer. The first commissioners so appointed shall meet and select by lot their terms of office, which shall be for two (2), four (4) and six (6) years, respectively, from the first day of the month following that during which such meeting is held. Upon the expiration of the first term, successors shall be appointed by the mayor, subject to the approval of the council, for a term of four (4) years. The offices of secretary and treasurer may be filled by one (1) member as the board may determine. After the original organization of the board, the commissioners shall themselves designate their own chairman, treasurer and secretary, and shall so organize their board annually thereafter.

(Code 1966, § 38.4; Ord. No. 89-017, § 1, 8-17-89)

Sec. 2-209. Additional member.

The mayor of the city, with the approval of the city council, shall, every six (6) years, appoint one (1) taxpayer and legal voter of the city, who shall also be a water user of the system, to serve as an additional voting member (commissioner) of the board, possessing the same powers, duties and authority, and being subject to the same provisions, as each of the other four (4) members of the board as set out in the aforesaid previously adopted ordinances. Accordingly, the composition of the board is hereby expanded (from four (4) to five (5) members) to include such one (1) additional commissioner, who shall at all times be a taxpayer and legal voter of the city and a water user of the system in order to be qualified for said office. The initial appointment of said additional commissioner shall be made by the mayor, with the approval of the city council, and the initial six-year term of said additional commissioner shall begin on the date of such appointment as set by the mayor. Upon the expiration of the initial term, a

successor shall be appointed every six (6) years by the mayor, with the approval of the city council, for a six-year term from the end of the preceding term, and any such additional commissioner may succeed himself or herself. (An appointment shall be effective until the successor shall have qualified). Any such additional commissioner shall be removable for cause by the recorded vote of a majority of the members of the city council after hearing. Any vacancy in the office of such additional commissioner shall be filled as above provided for the then unexpired term. No person who shall have been elected to an elective office of the city shall be eligible for appointment as such additional commissioner until at least one (1) year after the expiration of the term for which he or she was elected. Said additional commissioner shall be compensated annually on the same basis as the other commissioners.

(Ord. No. 76-004, § 1, 6-3-76; Ord. No. 86-002, § 3, 3-6-86)

Sec. 2-210. Removal, reelection, eligibility of commissioners.

Each commissioner shall be removable for cause by the recorded vote of a majority of the members of the council, after hearing. All appointments shall be until their successors shall have qualified, and any commissioner shall be eligible for reappointment upon the expiration of his term, but any person who shall have been elected to an elective office for the city shall not be eligible for appointment to the board until at least one (1) year after expiration of the term for which he was elected.

(Code 1966, § 38.5)

Sec. 2-211. Vacancies.

From and after the date of the commencement of the terms of office of the first commissioners so appointed, which in no event shall be a date later than the date of issuance of the waterworks revenue bonds of the city, the provisions of sections 2-206--2-219 shall govern and control in the administration and operation of the municipal waterworks plant and system of the city. In the event of a vacancy and also at least thirty (30) days preceding the expiration of the term of office of any appointive commissioner, a successor shall be appointed by the mayor subject to the approval of the council. All vacancies shall be filled for the unexpired term and all other appointments shall be for a term of six (6) years. A majority of the board at any meeting, shall constitute a quorum. The board may adopt rules and by-laws for the time and place of its meetings and the conduct thereof.

(Code 1966, § 38.6)

Sec. 2-212. Manager.

- (a) The board of water and sanitary sewer commissioners shall employ a manager meeting the qualifications prescribed by subsection (b), or the board may employ separate managers for the waterworks and sanitary sewer portions of the combined and consolidated works and system.
- (b) The board manager, shall be qualified by education, training and experience, for the general supervision of the operation, maintenance and management of the plant. The salary of the manager shall be fixed by the board, and he shall be removable by the board for inefficiency, neglect of duty, misfeasance or

malfeasance in office.

(Code 1966, § 38.7)

Sec. 2-213. Duties of the manager.

The manager shall appoint, discharge and fix the compensation of all employees, subject to and with the approval of the board. The manager shall have charge of the actual management, operation, maintenance and improvement of the plant, and the enforcement and execution of all rules and regulations, programs and plans, and decisions made and adopted by the board. He shall make and keep, or cause to be made and kept, full and proper books and records, subject to the supervision and direction of the board, and all applicable ordinance.

(Code 1966, § 38.8)

Sec. 2-214. Treasurer of the board; bond.

The treasurer of the board of water and sanitary sewer commissioners shall be required to execute bond for the faithful performance of his duties in the penal sum of not less than fifteen thousand dollars (\$15,000.00), or such other greater sum as the council may direct from time to time for faithful performance of his duties as treasurer. The cost of the bond shall be charged and paid by the board as an operating expense of the water system.

(Code 1966, § 38.9)

Sec. 2-215. Disbursements.

All withdrawals and payments of funds shall be made only after approval by the board of water and sanitary sewer commissioners, and all bills shall be paid by check and signed by the treasurer of the board, and counter-signed by the chairman of the board.

(Code 1966, § 38.10)

Sec. 2-216. Fiscal year; budget.

The municipal water works plant and system shall be operated on a fiscal year basis commencing on July 1, of each year and ending on June 30 of the succeeding year, and at least thirty days prior to June 1 of each year the board of water commissioners shall cause to be prepared and adopt a detailed budget of the estimated amounts of money to be collected and the amounts and purpose for which expenditures are to be made in connection with the operation of the water works plant and system for the next ensuing fiscal year, which budget shall be filed with the city clerk for approval by the council of the city; provided, however, the council shall have the right to call for additional reports covering the activities of the board of water commissioners whenever and so often as it may order. No contracts affecting the water works plan and system shall be entered into or water works revenue bonds issued other than those referred to in the preamble hereof, for extensions, improvements or replacements, without the recommendation or approval of said board of water commissioners. All disbursements for account of such water works plant and system shall be ordered paid out only upon

approval of said board of water commissioners.

(Code 1966, § 38.11; Ord. No. 90-029, § 2, 10-16-90)

Sec. 2-217. Bids and construction contracts.

All contracts for construction or purchase involving the sum of ten thousand dollars (\$10,000.00) or more, and all contracts for fuel or electricity extending over a period of six (6) months or more shall be authorized and approved by the city council, City of Georgetown, Kentucky, upon the recommendation of the board of water commissioners (now board of water and sanitary sewer commissioners) and any contract involving the purchase of materials, supplies or equipment in excess of ten thousand dollars (\$10,000.00) shall be let only on competitive bids after due advertisement. All contracts shall be in the name of the board of water and sanitary sewer commissioners and shall be signed by the chairman of said board. All bills for water and water service shall be collected and accounted for by said board of water and sanitary sewer commissioners in the respective funds as named and set forth in Ordinance No. 551.

(Code 1966, § 38.12; Ord. No. 77-007, § 1, 5-19-77; Ord. No. 91-001, § 1, 1-3-91)

State law references: Model procurement code, KRS 45A.345 et seq.

Sec. 2-218. Management of funds.

The funds derived from the operation of the combined and consolidated municipal waterworks and sanitary sewer system shall be deposited and managed and handled so as to comply in all particulars with the provisions of any ordinance or ordinances heretofore or hereafter adopted authorizing and providing for the issuance of bonds of the city which by their terms are payable from and secured by the income and revenue of the combined and consolidated municipal waterworks and sanitary sewer system, or any portion thereof.

(Code 1966, § 38.13)

Sec. 2-219. Bills for service.

All bills for water and sanitary sewer services shall be collected and accounted for by the board of water and sanitary sewer commissioners in the manner and form as required by law and the ordinances of the city; provided, however, the board shall at all times be governed by and conform to the provisions of the ordinance or ordinances pursuant to which the city may have heretofore authorized and issued or may hereafter authorize and issue any bonds from time to time outstanding which by their terms are payable from and secured by the income and revenues of the combined and consolidated waterworks and sanitary sewer system, or any portion thereof.

(Code 1966, § 38.14)

Sec. 2-220. Ratification of prior, nonconflicting ordinances.

All provisions of sections 2-206--2-219, with respect to the creation, appointment and functioning of the board of water and sanitary sewer commissioners are hereby ratified and confirmed except insofar as sections 2-221--2-224 may amend such

provisions and extend such provisions to include the combined and consolidated municipal waterworks and sanitary sewer system of the city.

(Code 1966, § 38.15)

Sec. 2-221. Future financing.

From and after January 15, 1962 all revenue bond financing of extensions and improvements to the combined and consolidated works and system shall be accomplished only through the issuance of water and sanitary sewer revenue bonds of the city which will be payable from and secured by the income and revenue from the combined and consolidated works and system subject to the vested rights and priorities in favor of any outstanding water revenue bonds and sanitary sewer revenue bonds of the city.

(Code 1966, § 38.16)

Sec. 2-222. Management shall be free from political and partisan favoritism.

The city council enacts sections 2-220--2-224 for the assurance and protection of the citizens of the city and for the purpose of assuring the original purchasers and any subsequent holder or holder of any bonds of the city payable from the income and revenues of the combined and consolidated municipal waterworks and sanitary sewer system of an efficient management, control and operation thereof free of political and partisan favoritism.

(Code 1966, § 38.17)

Sec. 2-223. Amendments.

No amendment of sections 2-220--2-224 shall be enacted unless copies thereof shall have therefore been published in a newspaper of general circulation of the city at least once each week for two (2) consecutive weeks prior to final passage thereof at any meeting of the city council.

(Code 1966, § 38.18)

Sec. 2-224. Repeal.

No repeal of sections 2-220--2-223 shall be enacted so long as there are outstanding any revenue bonds of the city payable from the income and revenues of the combined and consolidated municipal waterworks and sanitary sewer system, and it being intended that the provisions of such sections shall constitute a contract between the city, and each and every holder of any such revenue bonds and that the original purchasers of any of such revenue bonds may purchase same in reliance upon the contract set out herein.

(Code 1966, § 38.19)

Secs. 2-225--2-235. Reserved.

DIVISION 3. HOUSING COMMISSION*

***State law references:** Housing projects, KRS ch. 80.

Sec. 2-236. Created.

- (a) A housing commission is hereby created for the city.
- (b) The name of the commission shall be the "Georgetown Municipal Housing Commission."

(Code 1966, § 38.30)

Sec. 2-237. Salary, expenses.

The members of the municipal housing commission shall serve without pay but shall be entitled to necessary expenses incurred in the discharge of their duties.

(Code 1966, § 38.31)

Secs. 2-238--2-245. Reserved.

DIVISION 4. AIR BOARD*

***State law references:** Local air boards, KRS 183.132.

Sec. 2-246. Created.

In conformity with KRS 183.370 et seq., there is hereby created an air board to be known as "City of Georgetown air board" to take charge of the management and control of Marshall Field, the municipal airport of the city.

(Code 1966, § 38.40)

Sec. 2-247. Powers and duties.

The air board shall have the powers and be subject to the provisions of KRS 183.370 et seq. and the laws and statutes of the state. The board shall have authority to adopt its own by-laws, rules, and regulations, but same shall not be inconsistent with the laws of the United States or the state, or the rules and regulations of the civil aeronautics authority, or the state department of aeronautics and shall be in conformity with such rules and regulations as may now or hereafter be adopted by the city respecting its operation.

(Code 1966, § 38.40)

Sec. 2-248. Membership.

- (a) The air board shall consist of six (6) members who shall be citizens and legal voters of the county. The members shall be appointed by the mayor and the first members appointed shall serve for terms of one (1), two (2) and three (3) years, respectively. Upon the expiration for the first terms, successors shall be appointed for a term of three (3) years. Members of the air board shall serve without compensation except that a secretary-treasurer so selected shall receive a salary to be fixed by the air board, not to exceed five hundred dollars (\$500.00) per year.
- (b) The duties of the officers and members of the board shall be the same as those set out and provided in the statutes of the state above referred to, and other pertinent statutes and laws of the state.

(Code 1966, § 38.41)

Secs. 2-249--2-260. Reserved.

DIVISION 5. PARKS, PLAYGROUND AND RECREATION BOARD*

***State law references:** Parks, playgrounds and recreation, KRS ch. 97.

Sec. 2-261. Created.

A parks, playground and recreation board is hereby established which shall possess all the powers and be subject to all the responsibilities of KRS 97.010 to 97.050.

(Code 1966, § 38.60)

State law references: Authority to create parks, playground and recreation board, KRS 97.020.

Sec. 2-262. Membership.

The parks, playground and recreation board shall consist of five (5) persons to be appointed by the mayor and county judge to serve for terms of four (4) years and until their successors are appointed, except that the members first appointed shall be one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years and two (2) for four (4) years.

(Code 1966, § 38.61)

State law references: Similar provisions, KRS 97.030.

Sec. 2-263. Officers.

The parks, playground and recreation board shall be a body corporate for all purposes, shall elect from its members a chairman, secretary and treasurer. The

treasurer shall execute a bond conditioned on the faithful performance of his duties, sufficient in amount to cover the funds coming into his hands. The premium on such bond shall be paid from board funds.

(Code 1966, § 38.62)

Sec. 2-264. Gifts and bequests.

The parks, playground and recreation board may accept any grant or devise of real estate or any bequest or gift of money or any donation, the principal or income of which is to be used for the parks, playground and recreation purposes.

(Code 1966, § 38.63)

State law references: Gifts for recreation facilities, KRS 97.040.

Sec. 2-265. Powers.

The parks, playground and recreation board shall have the specific power to provide, maintain and conduct the parks, playgrounds and recreation centers, and may maintain and equip parks, playgrounds and recreation centers and the buildings thereon and may employ trained and qualified parks superintendents, playground directors, supervisors, recreation superintendents or other officers and employees as it deems proper.

(Code 1966, § 38.64)

Secs. 2-266--2-275. Reserved.

DIVISION 6. RECREATIONAL TOURIST AND CONVENTION COMMISSION*

***State law references:** Tourist and convention commissions, KRS 91A.350 et seq.

Sec. 2-276. Created.

There is created a commission to be known as the "Georgetown-Scott County Recreational, Tourist and Convention Commission," hereinafter in this division referred to as the commission.

(Code 1966, § 38.70; Ord. No. 03-019, § 1, 7-3-03)

State law references: Authority to create the commission, KRS 91A.350(2).

Sec. 2-277. Membership.

(a) The commission shall be composed of seven (7) members to be appointed by the mayor and county judge, jointly, in the following manner:

- (1) Three (3) commissioners from a list submitted by the local hotel and motel association;

- (2) One (1) commissioner from a list submitted by the local restaurant association;
 - (3) One (1) commissioner from a list submitted by the Georgetown-Scott County Chamber of Commerce;
 - (4) One (1) commissioner by the mayor;
 - (5) One (1) commissioner by the county judge.
- (b) Vacancies shall be filled in the same manner that original appointments are made.
 - (c) The commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the mayor and county judge shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of four (4) years and three (3) commissioners for a term of one (1) year.

(Code 1966, § 38.71; Ord. No. 03-019, § 2, 7-3-03)

State law references: Similar provisions, KRS 91A.360.

Sec. 2-278. Organization; duties and responsibilities.

- (a) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purpose of KRS 83.340 to 83.350. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business; provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials such as advertising firms, chambers of commerce, publishers and printers.
- (b) The commission shall annually submit to the local governing body or bodies which established it a request for funds for the operation of the commission for the ensuing year.

(Code 1966, § 38.72; Ord. No. 03-019, § 3, 7-3-03)

State law references: Similar provisions, KRS 91A.360.

Sec. 2-279. Imposition of transient room tax.

- (a) For the purpose of operation of the tourist and convention commission and to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business, there is hereby imposed and levied a transient room tax of three (3) percent.
- (b) On and after July 1, 1974, every person, company, corporation or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses in the city and county shall pay monthly into the county treasury a transient room tax of three (3) percent of the gross rent for every occupancy of a suite, room or rooms charged and collected by them during such monthly periods. Such tax shall be due and

payable fifteen (15) days after the last day of the month, together with a return on a form furnished by or obtained from the county treasurer setting forth an aggregate amount of gross rentals charged and collected during the occupancy to which the transient room tax applies, together with such other pertinent information as the county treasurer may require.

- (c) Any tax imposed by this section which shall remain unpaid after it becomes due, as set forth herein, shall have added to it a penalty of ten (10) percent, together with interest at the rate of one-half of one (1) percent for each month of delinquency or fraction thereof, until paid.
- (d) Transient room taxes shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period of thirty (30) days or more.
- (e) The tax imposed by this section shall be in addition to other general taxes and the occupational or business license tax.

(Code 1966, § 38.73; Ord. No. 03-019, § 4, 7-3-03)

Cross references: Taxation generally, Ch. 17.

State law references: Room tax, KRS 91A.390.

Sec. 2-280. Penalty.

Any person who shall knowingly file a false or fraudulent return required by this subsection 2-279(b), shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both such fine and imprisonment.

(Code 1966, § 38.99; Ord. No. 75-15, 10-16-75; Ord. No. 03-019, § 5, 7-3-03)

Secs. 2-281--2-290. Reserved.

DIVISION 7. HISTORIC COMMISSION

Sec. 2-291. Created.

A historic commission is hereby created which shall be known as "Georgetown-Scott County Historic Commission."

(Ord. No. 78-009, § 1(a), 7-14-78)

Sec. 2-292. Membership.

- (a) The historic commission shall consist of nine (9) members with at least one (1) member each from the city and the county government. The governmental members shall be an elected public official. Two (2) members shall be selected from a list of six (6) persons recommended by Scott County Historical Society. Two (2) members shall be selected from among local downtown businessmen.

Other members shall be members-at-large selected for knowledge of the historic traditions of the city and county and interest in the preservation of historic buildings in the city and county. If available, the city or county planner will be a member. All members shall be appointed by the mayor and county judge executive subject to confirmation by a majority of the council and fiscal court members.

- (b) The term of office of the city and county government members shall be the same as his official tenure in office. For other members, the term shall be four (4) years ending on August first of the designated year, and terms of those first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3) and four (4) years respectively, with later appointments or reappointments continuing the staggered pattern and August first date for a term of four (4) years.

(Ord. No. 78-009, § 1(b), (c), 7-14-78)

Sec. 2-293. Officers.

The historic commission shall elect a chairman and a vice-chairman from its members at the first meeting after August first each year.

(Ord. No. 78-009, § 2, 7-14-78)

Sec. 2-294. General powers; financial support of commission.

The historic commission may apply for, receive and disburse funds and contract with any state, federal, public or private agency for the purpose of carrying out the duties as set forth herein.

(Ord. No. 79-009, § 3, 7-14-78)

Sec. 2-295. Duties.

The historic commission shall perform the following duties:

- (1) *Review legislation.* The commission shall review state and local legislation which may affect historic preservation.
- (2) *Assist other organizations.* The commission shall offer assistance to public or private groups concerned with historic preservation.
- (3) *Surveillance of historic buildings and areas.* The commission shall maintain surveillance of historic areas and buildings, especially those not in historic districts, to prevent buildings and areas from being demolished with no advance warning and submit their recommendations in all matters relating to the preservation, conservation and enhancement of historic buildings and areas.
- (4) *Federal grants.* The commission shall expedite the use of, be informed about, apply for and encourage other agencies to apply for federal grants for historic preservation.
- (5) *Maintain records.* The commission shall maintain and preserve historic records and objects which come into its possession, including but not

limited to card files, notebooks and atlas of historic properties which were made in 1970 as part of the historic survey and plan.

- (6) *Revolving fund.* The commission shall encourage and accept gifts and property donations to provide a base for a revolving fund for the preservation of local buildings and sites.
- (7) *Committees.* The commission may establish committees to perform specified duties.
- (8) *Promote interest.* The commission shall undertake projects and programs to promote interest in historic preservation.

(Ord. No. 79-009, § 4, 7-14-78)

Sec. 2-296. Meetings.

The historic commission shall meet at least four (4) times a year and at such times as may be designated by the chairman or a majority of the members.

(Ord. No. 78-009, § 5, 7-14-78)

Secs. 2-297--2-300. Reserved.

DIVISION 8. ARCHITECTURAL REVIEW BOARD*

***Editor's note:** Ord. No. 88-008, §§ 1--4, adopted, adopted May 5, 1988, did not specifically amend the Code; hence, its inclusion herein as Art. VI, Div. 8, §§ 2-301--2-303 was at the discretion of the editor. Section 5, dealing with the effective date, has been omitted from codification.

Cross references: Historic commission, §§ 2-291 et seq.; buildings and building regulations, ch. 4; streets, sidewalks and other public ways, ch. 15.

Sec. 2-301. Established; membership; appointment; approval.

An architectural review board is established to consist of at least five (5) members. The membership shall be appointed by the mayor with the approval of the council.

(Ord. No. 88-008, § 1, 5-5-88)

Sec. 2-302. Board's advisory capacity.

This board shall advise the board of adjustment, the planning and zoning commission and the main street board. It shall review the design of buildings and their impact on and consistency with the architectural character of the historic area of Georgetown, in general, and the architectural integrity of the individual building, in particular. All recommendations made by this board concerning building design and architectural integrity shall be advisory only.

(Ord. No. 88-008, § 2, 5-5-88)

Sec. 2-303. Powers and duties.

- (a) *Endorsement of plans, etc.* This board shall receive all plans involving the construction, exterior renovation, signage, demolition and relocation of buildings located within the historic district. The plans shall be filed with the board at an office to be designated by the board. All plans must be filed at least seventy-two (72) hours prior to application for a building permit. The board, or its designee, shall endorse the plans showing the time and date of the filing. The building inspector shall not issue a building permit for any project involving the above work, without the board's endorsement or within seventy-two (72) hours of that endorsement.
- (b) *Recommendations to council.* The board shall document the boundaries of the historic district and make appropriate recommendations to the council regarding necessary alteration of the district. The board shall study the historic district, the needs of the area and the guidelines necessary to promote the preservation and enhancement of the district. The board shall make appropriate recommendations to the council regarding its role, authority, guidelines, direction and any changes in this division or related ordinances that are required to further the goals of this program.

(Ord. No. 88-008, §§ 3, 4, 5-5-88)

DIVISION 9. CEMETERY MINISTERIAL BOARD

Sec. 2-304. Purpose.

The purpose of this division is to establish a nine-member board which will assist the cemetery director in the performance of ministerial duties at the city cemetery. This board will not make policy decisions, but implement the policies and procedures adopted by the city council. This board may be asked to make recommendations to the city council concerning the adoption of policies and procedures for the proper operation of the cemetery.

(Ord. No. 99-027, § 1, 7-15-99)

Sec. 2-305. Compensation.

There shall be no compensation for service of board members.

(Ord. No. 99-027, § 2, 7-15-99)

Sec. 2-306. Appointment.

Members shall be appointed by the mayor with approval of the council. Two (2) members shall be appointed to an initial term of one (1) year. Two (2) members shall be appointed to an initial term of two (2) years. Two (2) members shall be appointed to an initial term of three (3) years. Three (3) members shall be appointed to an initial term of four (4) years. After the service of these initial terms, all terms shall be four (4) years. All board members and their terms shall be subject to the provisions of the city's Ordinance

89-013, governing membership on the city's boards and commissions.

(Ord. No. 99-027, § 3, 7-15-99)

DIVISION 10. GEORGETOWN BUSINESS PARK AUTHORITY

Sec. 2-307. Formation.

Pursuant to KRS 154.50-020 et seq., the city authorizes and directs the formation of an authority to be named The Georgetown Business Park Authority (authority).

(Ord. No. 02-031, § I, 12-5-02)

Sec. 2-308. Organization of authority.

The authority shall consist of eight (8) members appointed by the mayor.

- (1) Pursuant to KRS 154.50-326, the initial terms of the authority members shall be staggered so that two (2) members are appointed for two (2) years; three (3) members are appointed for three (3) years; and three (3) members are appointed for four (4) years. All subsequent appointments shall be for four (4) year terms or until his or her successor is appointed and qualified.
- (2) An authority member may be replaced by the mayor upon a showing to the mayor of that authority member's misconduct, including ineffective service, or upon conviction of a felony.
- (3) The mayor shall appoint the members and designate the initial term to be served by each member on the authority, subject to the foregoing provisions.
- (4) The members of the authority shall elect such officers, hold such meetings and establish such rules and regulations as they deem necessary and proper to carry out the authority's functions under the Local Industrial Development Authority Act, KRS 154.50-301 through KRS 154.50-346. The authority shall adopt by-laws covering, among other appropriate matters, election of officers, including, at minimum, a chair, vice-chair, secretary and treasurer, hiring of staff, establishment of the place and time of regular meetings, the procedure for special meetings, compliance with open meetings and records requirements set out in KRS ch. 61, standards of conduct for authority members and staff; and operating procedures for conducting authority business. The by-laws may be adopted or amended at any regular meeting or special meeting by a vote of at least two-thirds (2/3) of the voting members.
- (5) Two-thirds (2/3) of the membership shall constitute a quorum for conducting business at a regular or duly noticed special meeting.
- (6) No authority member shall be eligible for service while a candidate for or holder of public office. Upon filing for public office a current authority member shall be deemed to have vacated his or her office.
- (7) The authority chair shall have supervisory authority over the authority

director and staff.

(Ord. No. 02-031, § II, 12-5-02)

Sec. 2-309. Purpose.

The authority shall have the purpose, duties and powers provided in KRS 154.50-301 through 154.50-346; The authority's power, however, is subject to the following:

- (1) The authority shall not incur indebtedness in excess of council approved operating budget, except with approval of the city council.
- (2) The authority shall have a fiscal year from July 1 to June 30, with its first year to run from the time it is organized through the following June 30.
- (3) The authority shall maintain business records of its management, operation, receipts, disbursements and acquisition and disposition of realty in the manner provided by KRS 154.50-336. The authority shall be subjected to annual audit as part of the city's audit.
- (4) The authority shall prepare an operating budget for each fiscal year. The authority shall submit its proposed budget to the city council for review and approval not less than sixty (60) days prior to the commencement of the fiscal year.
- (5) The authority shall cooperate with the city, the Georgetown-Scott County Planning Commission and Scott County United, providing assistance to them and receiving assistance from them. The authority shall operate consistent within the public policies provided by:
 - a. The comprehensive plan;
 - b. Zoning designed to identify potential industrial and commercial sites and protect them against types of development that would lessen their attractiveness or their compatibility with surrounding uses; and
 - c. Provision of adequate governmental facilities to serve industrial sites.

(Ord. No. 02-031, § III, 12-5-02)

Sec. 2-310. Dissolution.

By appropriate resolution, the city council may dissolve the authority. Upon such dissolution, all funds, property and other assets held by the authority shall be delivered to the city. No dissolution, however, shall be effective until provision is made for all legal obligations of the authority.

(Ord. No. 02-031, § IV, 12-5-02)

ARTICLE VII. ETHICAL CONDUCT OF OFFICERS AND EMPLOYEES*

***Editor's note:** Ord. No. 94-031, enacted Dec. 1, 1994, was nonamendatory of the Code; hence, inclusion herein as Art. VII of ch. 2 was at the discretion of the editor.

DIVISION 1. GENERALLY

Sec. 2-311. Title.

This ordinance shall be known and may be cited as the "City of Georgetown Code of Ethics."

(Ord. No. 94-031, § 1, 12-1-94)

Sec. 2-312. Findings.

The legislative body of the city finds and declares that:

- (1) Public office and employment with the city are public trusts.
- (2) The vitality and stability of the government of this city depends upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interests and public duties of a city officer or employee, that confidence is imperiled.
- (3) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.

(Ord. No. 94-031, § 2, 12-1-94)

Sec. 2-313. Purpose and authority.

- (a) It is the purpose of this article to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.
- (b) It is the further purpose of this article to meet the requirements of KRS 65.003 as enacted by the 1994 Kentucky General Assembly.
- (c) This article is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.

(Ord. No. 94-031, § 3, 12-1-94)

Sec. 2-314. Definitions.

As used in this article, unless the context clearly requires a different meaning:

Business means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

Board of Ethics means the City of Georgetown Board of Ethics which is created and vested by this article with the responsibility of enforcing the requirements of the city's code of ethics.

Candidate means any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.

City refers to the city of, Georgetown, Kentucky.

City agency means any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city.

Employee means any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city, any city agency and, to the extent permitted by law, any joint city/county agency. The term "employee" shall not include any contractor or subcontractor or any of their employees.

Family member means a spouse, parent, child, step-child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

Immediate family member means a spouse, an unemancipated child or step-child residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.

Officer means any person, whether full-time or part-time, and whether paid or unpaid, who is one (1) of the following:

- (1) The mayor;
- (2) A legislative body member;
- (3) The city clerk;
- (4) Administrative assistant to the mayor;
- (5) The chiefs of fire and police;
- (6) Any person who occupies a non-elected office created under KRS 83A.080;
- (7) A member of any city or joint city/county board or commission who has been appointed to that body by the city.

(Ord. No. 94-031, § 4, 12-1-94)

Secs. 2-315--2-324. Reserved.

DIVISION 2. STANDARDS OF CONDUCT

Sec. 2-325. Conflicts of interest in general.

Every officer and employee shall comply with the following standards of conduct:

- (1) No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction, or activity, which is in substantial conflict with the proper discharge of the officer's or employee's public duties.
- (2) No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted privileges or advantages for himself or herself or others.
- (3) No officer or employee shall intentionally take or refrain from taking any discretionary action, or agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the city in order to obtain a benefit of substantial value for any of the following:
 - a. The officer or employee;
 - b. A family member;
 - c. An outside employer;
 - d. Any business in which the officer or employee or any family member has a financial interest;
 - e. Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.
- (4) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no benefit of substantial value accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (3)d. and e. of this section, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession or other group.
- (5) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

(Ord. No. 94-031, § 5, 12-1-94)

Sec. 2-326. Conflict of interest in contracts.

- (a) No officer or employee shall directly or through others undertake, execute, hold or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency, except as follows:
 - (1) The prohibition in subsection (a) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a city or city agency office, or before an employee was hired by the city or a city agency. However, if any contract entered into by a city or city agency officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in subsection (a) of this section shall apply to the renewal of the contract.
 - (2) The prohibition in subsection (a) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart (3) below are satisfied.
 - (3) The prohibition in subsection (a) of this section shall not apply in any case where the following requirements are satisfied:
 - a. The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency;
 - b. The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed;
 - c. A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, limited supply, or other specific reasons;
 - d. The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.
- (b) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, a violation of this section shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinance, rules or regulations of the city.

(Ord. No. 94-031, § 6, 12-1-94)

Sec. 2-327. Receipt of gifts.

- (a) No officer or employee shall directly, or indirectly through any other person or business, accept any gift having a fair market value of more than one hundred dollars (\$100.00), whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties. This inference arises when the gift is made by a person or entity for whom there is no other apparent motivation than the exercise of influence. No inference, therefore, would exist where the gift is received from family members.
- (b) The acceptance of a gift having a fair market value of more than one hundred dollars (\$100.00) without such inference shall be reported to the ethics board.
- (c) The acceptance of a gift having a fair market value of less than one hundred dollars (\$100.00), with or without such inference, shall be reported to the ethics board.
- (d) No gift of any value shall be solicited directly or indirectly.
- (e) No report shall be required for gifts accepted from family members or gifts from others having a fair market value of one hundred dollars (\$100.00) or less if received in conjunction with a public function, e.g. reception or dinner.
- (f) The following shall be exempted from the operation of this section:
 - (1) The receipt of anything of value where it is incidental to a function of the city, of a municipal agency [e.g., housing authority], or an organization or program directly related to the city or municipal agency [the Bluegrass, Area Development District or the Sister Cities Program]. The items of value contemplated by this exemption include, but are not necessarily limited to, travel, lodgings and meals while on an official trip. An official trip is one sanctioned by express action of the council, the municipal agency or the independent organization sponsoring the function.
 - (2) This exclusion is based upon:
 - a. The item of value being received from the city or municipally related organizations for municipal business and not from outside sources seeking influence within local government; and
 - b. The item of value being received by the office and only incidentally by any individual.

(Ord. No. 94-031, § 7, 12-1-94)

Sec. 2-328. Use of city property, equipment and personnel.

- (a) No officer or employee shall use or permit the use of any city time, funds, personnel, equipment or other personal or real property for the private use of any person, unless:
 - (1) The use is specifically authorized by a stated city policy; and

- (2) The use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

(Ord. No. 94-031, § 8, 12-1-94)

Sec. 2-329. Representation of interests before city government.

- (a) No officer or employee shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or any city agency.
- (b) Nothing in this section shall prohibit an employee from representing another employee or employees where the representation is within the context of official labor union or similar representational responsibilities.
- (c) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.
- (d) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.

(Ord. No. 94-031, § 9, 12-1-94)

Sec. 2-330. Post-employment restriction.

No officer or employee shall appear or practice before the city, any city agency or joint city/county agency with respect to any matter on which the officer or employee personally worked while in the service of the city, city agency or joint city/county agency for a period of one (1) year after the termination of the officer's or employee's service.

(Ord. No. 94-031, § 10, 12-1-94)

Sec. 2-331. Misuse of confidential information.

No officer or employee shall intentionally use or disclose information acquired in the course or his or her official duties for the purpose of his or her personal financial benefit or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

(Ord. No. 94-031, § 11, 12-1-94)

Sec. 2-332. Honoraria.

- (a) No officer or employee shall accept any compensation, honorarium or gift with a fair market value greater than one hundred dollars (\$100.00) in consideration of an appearance, speech or article unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.
- (b) Nothing in this section shall prohibit an officer or employee from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket

expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.

(Ord. No. 94-031, § 12, 12-1-94)

Secs. 2-333--2-342. Reserved.

DIVISION 3. FINANCIAL DISCLOSURE

Sec. 2-343. Who must file.

The following classes of officers and employees shall file an annual statement of financial interests with the Board of Ethics:

- (1) Elected city officials;
- (2) Candidates for elected city office;
- (3) Members of the city planning and zoning commission and water board;
- (4) Members of the board of ethics created by this article;
- (5) Nonelected officials, e.g., city attorney;
- (6) Chiefs of fire and police, the city engineer and all department heads.

(Ord. No. 94-031, § 13, 12-1-94)

Sec. 2-344. When to file statements; amended statements.

- (a) The initial statement of financial interests required by this section shall be filed with the board of ethics, or the administrative official designated as the custodian of its records by the board of ethics, no later than 4:00 p.m., January 30, 1995. All subsequent statements of financial interest shall be filed no later than 4:00 p.m. on January 30 each year, provided that:
 - (1) An officer or employee newly appointed to fill an office or position of employment shall file his or her initial statement no later than thirty (30) days after the date of the appointment.
 - (2) A candidate for city office shall file his or her initial statement no later than thirty (30) days after the date on which the person becomes a candidate for elected city office.
- (b) The board of ethics may grant a reasonable extension of time for filing a statement of financial interest for good cause shown.
- (c) In the event there is a material change in any information contained in a financial statement that has been filed with the board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the board.

(Ord. No. 94-031, § 14, 12-1-94)

Sec. 2-345. Form of the statement of financial interests.

The statement of financial interests shall be filed on a form prescribed by the board of ethics, or the administrative official designated by the board of ethics. The board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than December 31 of each year. The failure of the board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.

(Ord. No. 94-031, § 15, 12-1-94)

Sec. 2-346. Control and maintenance of the statements of financial interest.

- (a) The board of ethics shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the board of ethics, or the administrative official designated by the board of ethics as the "custodian," as public documents, available for public inspection immediately upon filing.
- (b) A statement of financial interests shall be retained by the board, or the designated administrative official, for a period of five (5) years after filing, provided that:
 - (1) After the expiration of three (3) years after a person ceases to be an officer or employee, the board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person;
 - (2) After the expiration of three (3) years after any election at which a candidate for elected city office was not elected or nominated, the board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person;
 - (3) The retention of this document, as well as any other appropriate record of the ethics board, shall be governed by the retention and destruction schedule adopted by the archives and records commission from such time as those schedules are adopted.

(Ord. No. 94-031, § 16, 12-1-94)

Sec. 2-347. Contents of the financial interests statement.

- (a) The statement of financial interests shall include the following information for the preceding calendar year:
 - (1) The name, current business address, business telephone number and home address of the filer.
 - (2) The title of the filer's office, office sought or position of employment.

- (3) The occupation of the filer and the filer's spouse.
 - (4) Information that identifies each source of income of the filer and the filer's immediate family members exceeding ten thousand dollars (\$10,000.00) during the preceding calendar year, and the nature, but not the amount, of the income (e.g., salary, commission, sales proceeds, dividends, etc.). Exempted from this requirement are distributions from previously earned income such as IRAs, pension plans, profit sharing plans and retirement funds.
 - (5) The name and address of any business located within the state in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000.00) at fair market value or five (5) percent ownership interest or more.
 - (6) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three (3) years, or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000.00) at fair market value or five (5) percent ownership interest or more.
 - (7) A designation as commercial, residential or rural and the location of all real property within the county, other than the filer's primary residence, in which the filer or any member of the filer's immediate family had during the preceding calendar year an interest of ten thousand dollars (\$10,000.00) or more.
 - (8) Each source by name and address of gifts or honoraria having an aggregate fair market value of one hundred dollars (\$100.00) or more from any single source where the gifts or honoraria are given because of the office or employment of the recipient and not because the recipient is the natural object of the giver's bounty. Excluded from this provision are gifts to the filer or any member of the filer's immediate family from other family members.
 - (9) The name and address of any creditor owed more than ten thousand dollars (\$10,000.00), except debts arising from the purchase of a primary residence, the purchase of consumer goods which are bought or used primarily for person, family or household purposes and loans obtained in the ordinary course of business.
- (b) Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.

(Ord. No. 94-031, § 17, 12-1-94)

Sec. 2-348. Noncompliance with filing requirement.

- (a) The board of ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who

fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.

- (b) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under subsection (a) within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the board in an amount not to exceed twenty-five dollars (\$25.00) per day, up to a maximum total civil fine of five hundred dollars (\$500.00). Any civil fine imposed by the board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.
- (c) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

(Ord. No. 94-031, § 18, 12-1-94)

Secs. 2-349--2-360. Reserved.

DIVISION 4. NEPOTISM

Sec. 2-361. Nepotism prohibited.

- (a) No officer or employee shall advocate, recommend or cause the:
 - (1) Employment;
 - (2) Appointment;
 - (3) Promotion;
 - (4) Transfer; or
 - (5) Advancement

of a family member to an office or position of employment with the city or a city agency, including any joint agency of the city and county.

- (b) No officer or employee shall supervise or manage the work of a family member.
- (c) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.
- (d) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to February 22, 1994, the effective date of KRS 65.003 or six (6) months prior to the taking of office by a

newly elected or appointed official.

(Ord. No. 94-031, § 19, 12-1-94)

Secs. 2-362--2-370. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 2-371. Board of ethics created.

- (a) There is hereby created a board of ethics which shall have the authorities, duties, and responsibilities as set forth in this article to enforce the provisions of this article.
- (b) The board of ethics shall consist of five (5) members who shall be appointed by the executive authority of the city, subject to the approval of the legislative body. The initial members of the board of ethics shall be appointed within sixty (60) days of the effective date of this article. No member of the board of ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city, any city agency or any city/county joint board.

The members shall serve a term of four (4) years; except that with respect to the members initially appointed, one (1) member shall be appointed for a term of one (1) year, one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for a term of three (3) years, and two (2) members shall be appointed for a term of four (4) years. Thereafter, all appointments shall be for a term of four (4) years. No more than three (3) of the members shall be of the same political party. Each member of the board of ethics shall have been a resident of Scott County for at least one (1) year prior to the date of the appointment and shall reside in the county throughout the term in office. The members of the board of ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may serve no more than two (2) consecutive terms.

- (c) A member of the board of ethics may be removed by the executive authority, subject to the approval of the legislative body for misconduct, inability, or willful neglect of duties. Before any member of the board of ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the legislative body.
- (d) Vacancies on the board of ethics shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body. If a vacancy is not filled by the executive authority within sixty (60) days, the remaining members of the board of ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.
- (e) Members of the board of ethics shall serve without compensation, unless otherwise approved by the legislative body. Members shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.
- (f) The board of ethics shall, upon the initial appointment of its members, and annually thereafter, elect a chairperson from among the membership. The chairperson shall be the presiding officer and a full voting member of the board.

- (g) Meetings of the board of ethics shall be held, as necessary, upon the call of the chairperson or at the written request of a majority of the members.
- (h) The presence of three (3) or more members shall constitute a quorum and the affirmative vote of two (2) or more members shall be necessary for any official action to be taken. Any member of the board of ethics who has a conflict of interest with respect to any matter to be considered by the board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.
- (i) Minutes shall be kept for all proceedings of the board of ethics and the vote of each member on any issue decided by the board shall be recorded in the minutes.

(Ord. No. 94-031, § 20, 12-1-94)

Sec. 2-372. Alternate members.

The executive authority of the city, with the approval of the legislative body may appoint up to two (2) alternate members of the board of ethics who may be called upon to serve when any regular member of the board is unable to discharge his or her duties. An alternate member shall be appointed for a term of one (1) year. Alternate members shall meet all qualifications and be subject to all of the requirements of this article that apply to regular members.

(Ord. No. 94-031, § 21, 12-1-94)

Sec. 2-373. Facilities and staff.

Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the board of ethics, either directly or by contract or agreement, with the facilities, materials, supplies and staff needed for the conduct of its business.

(Ord. No. 94-031, § 22, 12-1-94)

Sec. 2-374. Power and duties of the board of ethics.

The board of ethics shall have the following powers and duties:

- (1) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this article.
- (2) To issue orders in compliance with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the board who has the power to administer oaths.
- (3) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the board. The board's authority to issue subpoenas for appearance or production of

documentary evidence shall be determined by state law. This article authorizes these orders only to the extent permitted by state law.

- (4) To refer any information concerning violations of this article to the executive authority of the city, the city legislative body, the governing body of any city agency, the county attorney, or other appropriate person or body, as necessary.
- (5) To render advisory opinions to officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this article.
- (6) To enforce the provisions of this article with regard to all officers and employees who are subject to its term by issuing appropriate orders and imposing penalties authorized by this article.
- (7) To control and maintain all statements of financial interests that are required to be filed by this article and to ensure that the statements are available for public inspection in accordance with the requirements of this article and the Kentucky Open Records Act.
- (8) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the city.
- (9) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this article, provided that the rules, regulations, and actions are not in conflict with the provisions of this article or any state or federal law.

(Ord. No. 94-031, § 23, 12-1-94)

Sec. 2-375. Filing and investigation of complaints.

- (a) All complaints alleging any violation of the provisions of this article shall be submitted to the board of ethics, or the administrative official designated by the board of ethics. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the board of ethics. The board of ethics shall acknowledge receipt of a complaint to the complainant within ten (10) working days from the date of receipt. The board shall forward within ten (10) working days to each officer or employee who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this article.
 - (1) The identity of the complainant shall not be disclosed without authorization, unless the board determines the identity to be relevant and necessary to its decision making or to the defense of the complaint. This prohibition is necessary to protect potential complainants from the risk of retribution.
 - (2) The board shall not proceed, however, with any complaint, the source of which cannot be disclosed unless preliminary investigation reveals independent corroborating evidence.
- (b) Within thirty (30) days of the receipt of a proper complaint, the board of ethics

- shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.
- (c) All proceedings and records relating to a preliminary inquiry being conducted by the board of ethics shall be confidential until a final determination is made by the board, except:
 - (1) The board may turn over to the commonwealth's attorney or county attorney evidence which may be used in criminal proceedings.
 - (2) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the board may publicly confirm the existence of the inquiry, and, at its discretion, make public any documents which were issued to either party.
 - (d) The board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this article. If the board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.
 - (e) If the board of ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the board shall notify the officer or employee who is the subject of the complaint and may:
 - (1) Due to mitigating circumstances such as lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the city and its taxpayers, or lack of significant impact on public confidence in city government issue, in writing, a reprimand to the officer or employee concerning the alleged violation and provide a copy of the reprimand to the executive authority and governing body of the city, city agency or joint board.
 - (2) Initiate a hearing to determine whether there has been a violation.
 - (f) Any person who knowingly files with the board a false complaint alleging a violation of any provision of this article by an officer or employee shall be guilty of a class A misdemeanor. Notwithstanding the foregoing, the filing in good faith of a complaint which is subsequently ruled to be unfounded will not subject the complainant to sanction.

(Ord. No. 94-031, § 24, 12-1-94)

Sec. 2-376. Notice of hearings.

If the board of ethics determines that a hearing regarding allegations contained in the complaint is necessary, the board shall issue an order setting the matter for a hearing within thirty (30) days of the date the order is issued, unless the alleged violator petitions for and the board consents to a later date. The order setting the matter for

hearing, along with a copy of any pertinent regulations of the board relating to the hearing shall be sent to the alleged violator within twenty-four (24) hours of the time the order setting a hearing is issued.

(Ord. No. 94-031, § 25, 12-1-94)

Sec. 2-377. Hearing procedure.

- (a) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the board of ethics; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the board so as to afford all parties the full range of due process rights required by the nature of the proceedings.
- (b) Prior to the commencement of the hearing, the alleged violator, or his or her representative, shall have a reasonable opportunity to examine all documents and records obtained or prepared by the board in connection with the matter to be heard. The board shall inform the alleged violator, or his, or her representative, of any exculpatory evidence in its possession.
- (c) All testimony in a board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence and to be represented by counsel. All witnesses shall have the right to be represented by counsel.
- (d) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceedings.
- (e) In order to protect the reputation of all persons involved in the hearing of alleged ethics violations, hearings of the board of ethics shall be in executive session to the extent permitted under KRS 61.810.
- (f) After the conclusion of the hearing, the board of ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this article has been proven. Within thirty (30) days after completion of the hearing, the board shall issue a written report of its findings and conclusions.
- (g) If the board concludes in its report that no violation of this article has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.
- (h) If the board concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this article, the board may:
 - (1) Issue an order requiring the violator to cease and desist the violation.
 - (2) In writing, reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body of the city,

city agency or joint board with which the violator serves.

- (3) In writing, recommend to the executive authority and the governing body that the violator be sanctioned as recommended by the board, which may include a recommendation for discipline or dismissal, or removal from office.
- (4) Issue an order requiring the violator to pay a civil penalty of not more than one thousand dollars (\$1,000.00).
- (5) Refer evidence of criminal violations of this article or state laws to the county attorney or commonwealth's attorney of the jurisdiction for prosecution.

(Ord. No. 94-031, § 26, 12-1-94)

Sec. 2-378. Appeals.

Any person who is found guilty of a violation of any provision of this article by the board of ethics may appeal the finding to the circuit court of the county within thirty (30) days after the date of the final action by the board of ethics by filing a petition with the court against the board. The board shall transmit to the clerk of the court all evidence considered by the board at the public hearing.

(Ord. No. 94-031, § 27, 12-1-94)

Sec. 2-379. Limitation of actions.

Except when the period of limitation is otherwise established by state law, an action for a violation of this article must be brought within one (1) year after the existence of the violation is determined by the board.

(Ord. No. 94-031, § 28, 12-1-94)

Sec. 2-380. Advisory opinions.

- (a) The board of ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee who is covered by this article.
- (b) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requester.
- (c) The board may adopt regulations, consistent with the Kentucky Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.
- (d) The confidentiality of an advisory opinion may be waived either:
 - (1) In writing by the person who requested the opinion.

- (2) By majority vote of the members of the board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The board may vote to make public the advisory opinion request and related materials.
- (e) A written advisory opinion issued by the board shall be binding on the board in any subsequent proceeding concerning the fact and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the board had they existed at the time the opinion was rendered. However, if any fact determined by the board to be material was omitted or misstated in the request for an opinion, the board shall not be bound by the opinion.
- (f) A written advisory opinion issued by the board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this article for actions taken in reliance on that opinion.

(Ord. No. 94-031, § 29, 12-1-94)

Sec. 2-381. Reprisals against persons disclosing violations prohibited.

- (a) No officer or employee shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce or discriminate against any person who in good faith reports, discloses, divulges or otherwise brings to the attention of the board of ethics or any other agency or official of the city or the commonwealth any facts or information relative to an actual or suspected violation of this article.
- (b) This section shall not be construed as:
 - (1) Prohibiting disciplinary or punitive action if an officer or employee discloses information which he or she knows:
 - a. To be false or which he or she discloses with reckless disregard for its truth or falsity.
 - b. To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.
 - c. Is confidential under any other provision of law.

(Ord. No. 94-031, § 30, 12-1-94)

Sec. 2-382. Penalties.

- (a) Except when another penalty is specifically set forth in this article, any officer or employee who is found by the board of ethics to have violated any provision of this article shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the board of ethics not to exceed one thousand dollars (\$1,000.00), which may be recovered by the city in a civil action in the nature of a debt if the offender fails to pay the penalty within a prescribed period of time.
- (b) In addition to all other penalties which may be imposed under this article, any officer or employee who is found by the board of ethics to have violated any

provision of this article shall forfeit to the city or applicable agency an amount equal to the economic benefit or gain which the officer or employee is determined by the board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of a debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

- (c) In addition to all other penalties which may be imposed under this article, a finding by the board of ethics that an officer or employee is guilty of a violation of this article shall be sufficient cause for removal, suspension, demotion or other disciplinary action by the executive authority of the city, the city agency, joint agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this article shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the commonwealth.

(Ord. No. 94-031, § 31, 12-1-94)

Chapter 2.5 ALARM SYSTEMS*

***Editor's note:** Ord. No. 92-014, §§ 1--8, 10, 11, adopted April 16, 1992, amended ch. 2.5 to read as herein set out. Prior to inclusion of said ordinance, ch. 2.5 pertained to similar subject matter and derived from Ord. No. 86-016, §§ 1--7, adopted Nov. 1, 1986.

Sec. 2.5-1. Purpose.

In order to control and reduce false alarms which cause unnecessary expense to the public, this chapter regulates the installation and use of alarm systems monitored by the Georgetown Communications Center.

(Ord. No. 92-014, § 1, 4-16-92)

Sec. 2.5-2. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include:

Alarm agent means any person who acts on behalf of an alarm business.

Alarm business means the business of leasing, installing, monitoring, maintaining, servicing, repairing, altering, replacing or responding to any alarm system in or on any building, structure or facility. Alarm businesses do not include the business of manufacturing or sale of an alarm system from a fixed location, and when the alarm agent neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

Alarm system means any mechanical or electrical device which is used for the detection of smoke, fire or unauthorized entry into a building or other facility, or for

alerting others of the occurrence of fire, or a medical emergency of the commission of an unlawful act within a building or other facility and which is designed to emit an outside audible alarm or transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms.

Alarm user means any person or organization which purchases, leases, contracts for, otherwise obtains or uses an alarm system.

Audible alarm means any device designed to generate an outside audible sound when an alarm system has been activated.

Automatic dialer means any electrical, mechanical or other device capable of being programmed to send a pre-recorded voice message, when activated over a telephone line, radio or other communication system, to the police or fire department.

Burglary alarm system means an alarm system signaling an entry or attempted entry to the area protected by a system.

City means the City of Georgetown.

Common cause means a technical difficulty which causes an alarm system to generate a series of false alarms.

Emergency medical alarm system means an alarm system designed to signal a medical emergency by manually activating a device to summon medical assistance.

False alarm means activation of an alarm system through mechanical failure, malfunction, improper installation, misuse, or the negligence of the alarm business owner, lessee or subscriber of an alarm system or his employees, agents or cohabitants, in situations where no fire, medical emergency or violation of the law occurs. False alarms shall not include, for example, alarms caused by earthquakes, lightning, violent winds, telephone or cable company interruptions, unsecured doors or any causes beyond the control of the owner or lessee or subscriber of the alarm systems. A burglar alarm shall not be deemed false when the communications center is notified by a recognized central station alarm business in advance of the arrival of their responding officers to a burglar alarm that the alarm system was accidentally activated.

Fire alarm system means an alarm system designed to detect and cause to be reported to the communications center a fire alarm condition. Single station detectors not connected to a central monitoring station or an outside audible alarm sounding device are not included in this definition.

Monitoring agency means any person or organization responsible for monitoring an alarm system.

Notice means written notice, either delivered or mailed to the person to be notified at his last known address.

Permittee means any person, firm, partnership, association or corporation who, or which shall be granted an alarm user permit as provided herein.

Police means any law enforcement agency.

Police consolidated alarm panel means the equipment installed at the Georgetown Communications Center for the purpose of monitoring alarms.

Robbery alarm system means an alarm system signaling a robbery or hold-up or attempted robbery wherein a personal confrontation is occurring. Such a system may include the use of a panic button activation device.

(Ord. No. 92-014, § 2, 4-16-92)

Sec. 2.5-3. Alarm business responsibility.

- (a) An alarm business, upon completion of the installation of an alarm system, shall inspect and test all equipment provided by the alarm business and take or cause to be taken corrective action to reasonably prevent the occurrence of false alarms.
- (b) The alarm business shall make available or arrange to provide repair service to alarm users within twenty-four (24) hours after being notified by the alarm user that the alarm system is in need of repair or service, providing that the alarm user has a valid lease, service or maintenance agreement with the alarm business to provide service or maintenance to the alarm user's system.
- (c) The alarm business shall comply with all applicable state and federal laws regulations.
- (d) In the event of conflicts in any of the above, the city shall have the absolute right to determine which shall apply to the alarm business' operations and procedures.
- (e) The alarm business shall provide instruction for each of the alarm users protected by an alarm system in the proper use and operation of the system. Such instruction shall include all necessary instructions in turning the alarm on and off and avoiding false alarms. In addition, the alarm business shall provide the alarm user with a copy of the notice supplied by the city which defines the impact and consequences of allowing false alarms to occur. Upon completion of such instruction the alarm business shall provide a statement of completion to be signed by the alarm business representative providing the training and the alarm user. A dated copy of the signed statement of completion shall be provided to the alarm user.
- (f) The alarm business shall provide an alarm user with operating instructions that provide reasonable guidelines to aid the user in correctly using the alarm system installed by the alarm business. The alarm user shall not be provided instructions not applicable to the alarm system installed.
- (g) The alarm business shall provide the alarm user with a written report anytime an alarm business representative responds to the location and performs any inspections, tests, adjustments, repairs, modifications, replacements or any other type of service investigations or maintenance related to the alarm system.
- (h) The alarm business shall advise the alarm user in writing of the requirement for the application of an alarm user permit prior to activation of the alarm system.
- (i) The alarm business shall maintain the following records for inspection by the city:
 - (1) Documentation of alarm user's completion of instruction for the operation of his alarm system;
 - (2) Documentation of alarm user's receipt of the operating instructions

pertaining to the service provided or the operation of the alarm system installed by the alarm business;

- (3) Record of all activities and action taken to correct false alarm events shall be maintained for a period of one (1) year;
 - (4) Records of each alarm system or device installed by the alarm business;
 - (5) If the alarm business provides monitoring maintenance, repair or service to an alarm user, it shall maintain the name of the owner or occupant of the premises, the name and telephone number of the user, a primary and at least two (2) alternate persons responsible for responding to the premises when the alarm is activated;
 - (6) Each alarm business shall maintain a record of outside audible sounding devices it installs and connects to a burglary alarm system that it leases or monitors and takes action to cause the device to be deactivated upon receipt of notice from the user or the police department.
- (j) Each alarm business shall label the purpose (burglary, fire, etc.) of any outside audible sounding device it installs. If the audible sounding device is connected to an alarm system it leases, monitors or services it shall conspicuously place on the outside of the premises a sign or decal identifying the name of the alarm business and the telephone number to call when the alarm has been activated. Telephone numbers shall be updated as necessary.
 - (k) The alarm business or alarm agent shall notify the monitoring agency prior to said business or agent testing or repairing any alarm system or device.
 - (l) Responsibility for an alarm system pursuant to this chapter by an alarm business shall be terminated only upon thirty (30) day notification to the city that the business has ceased to lease, rent, maintain, service or monitor the alarm system.
 - (m) The alarm business shall provide to an alarm user a method of pre-arranging burglary or fire alarm tests.
 - (n) The alarm business will be responsible to present a signal from each subscriber which is compatible with the police consolidated alarm panel if the alarm is to be connected to the alarm panel.

(Ord. No. 92-014, § 3, 4-16-92)

Sec. 2.5-4. Alarm user responsibility.

- (a) The alarm user shall maintain the alarm equipment in proper working order at all times, so as to minimize the occurrence of false alarms.
- (b) The alarm user shall instruct all persons who are authorized to place the system or device into operation in the appropriate method of operation. The alarm system operation instructions shall be maintained on the premises.
- (c) The alarm user shall post or provide to persons authorized to place the alarm system or device into operation, the administrative telephone numbers for:
 - (1) Police and fire departments;

- (2) The alarm business' twenty-four-hour service number.
- (d) The alarm user shall inform persons who are authorized to place the alarm system into operation of the provisions of this chapter, emphasizing the importance of avoiding false alarms. A current copy of the provisions of this section shall be maintained on the premises and be made available to persons who are authorized to place an alarm into operation or inhabitants of the premises.
 - (e) Any person triggering the alarm due to intentional misuse including but limited to summoning an emergency service for a nonemergency situation shall be deemed a false alarm subject to penalty.
 - (f) The alarm user shall notify the monitoring agency prior to user testing any alarm system or device.
 - (g) The alarm user shall arrange for himself or another responsible representative to go to the premises of an activated alarm system in order to be available to assist the police or fire department in determining the reason for the alarm activation and securing the premises. In no event shall there be an unreasonable delay in arriving at the location of the alarm.
 - (h) The alarm user shall maintain the protected building to the degree necessary to prevent the alarm system from being interrupted due to building conditions such as broken or missing window panels, water leaking into a building, padlock hasps on outside doors, etc.
 - (i) The alarm user shall not activate or reactivate an alarm system when a condition exist that may result in an additional false alarm. The alarm user shall cause the alarm system to be inspected, adjusted, or repaired after each false alarm and prior to the reactivation of the system.
 - (j) If the alarm user elects to have the alarm system connected to the alarm panel, he must sign a monitoring agreement with the company who operates the police consolidated alarm panel at the communications center. The alarm user will be required to submit a connection fee and annual fee to the company who operates the police consolidated alarm panel which is approved by the city.

(Ord. No. 92-014, § 4, 4-16-92)

Sec. 2.5-5. Equipment and technical standards.

- (a) Alarm systems must be designed and approved by the equipment manufacturer for the application in which they are used.
- (b) All alarm systems connected to the alarm panel and installed after April 1, 1992, shall have a backup, rechargeable power supply installed.
- (c) Burglary alarm systems shall be connected and installed in such a manner that the system will annunciate to the user the presence of a trouble condition at the time the user tests or attempts to use the alarm system.
- (d) Audible burglary alarms shall not emit sound longer than fifteen (15) minutes for residential alarms and thirty (30) minutes or less for commercial burglar alarms.
- (e) Audible alarms shall distinguish between burglary and fire alarms.

- (f) Ionization detectors shall not be connected to a monitored alarm system.
- (g) Dialing devices may not be programmed to any E-911 emergency number monitored by the communications center. Dialing devices may be programmed to an unpublished number specifically for dialing alarms monitored by the communications center. The dialing device shall only be programmed to call the number once and any additional calls from the same event shall be programmed to call a number other than a public number of the communications center. All dialing alarm users shall be required to obtain alarm user permits and abide by all regulations of this chapter.
 - (1) All alarm users shall disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line to the city, or city contracted emergency services, within seventy-two (72) hours of receipt of written notice from the city that it is so programmed.
 - (2) Within sixty (60) days after the effective date of this chapter, all existing automatic dialing devices programmed to select a primary trunk line to the city or contracted emergency services shall be reprogrammed.

(Ord. No. 92-014, § 5, 4-16-92)

Sec. 2.5-6. Alarm user permit.

- (a) Every alarm user shall obtain an alarm user permit from the city for each alarm system they operate that is monitored by the city within ninety (90) days of the effective date of this chapter. No alarm system monitored by the city shall be activated without the alarm user having first obtained an alarm user permit.
- (b) Application for alarm system permits shall be made on forms prepared and approved by the city.
- (c) The initial application fee for the alarm user's permit shall be no cost unless the alarm user's permit is revoked and reapplied for as provided in section 2.5-7 of this chapter. The alarm user except dialing devices will be required to sign a monitoring agreement with the company responsible for the police consolidated alarm panel and insure proper signals are produced from the alarm to match the panel located at the Georgetown Communications Center.
- (d) The information contained in an alarm user permit application required by this section shall be confidential and restricted to inspection only by those city officers or employees responsible for administering and enforcing this chapter.
- (e) The alarm user permit shall be physically located upon the premises using the alarm system and shall be available for inspection by the city.
- (f) Any alarm user who activates an alarm system without obtaining a permit as required by subsection (a) of this section shall be in violation of this chapter. The alarm user operating an alarm system without possessing an alarm user's permit shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each alarm responded to by a fire or law enforcement agency.

(Ord. No. 92-014, § 6, 4-16-92)

Sec. 2.5-7. Corrective action.

- (a) Following each false alarm responded to by the police or fire department, the city shall notify the alarm user of the false alarm response. False alarms generated by a common cause shall be counted as one false alarm if the only if the false alarms occurred within a forty-eight-hour period, action was taken to rectify the cause and such corrective action was documented to the city; and during the next thirty-day period there were no false alarms generated by that documented cause.
- (b) If an alarm system operating under this chapter experiences five (5) or more false alarms during any one (1) calendar year period, and the alarm user has failed to submit for the fifth and subsequent false alarm a false alarm prevention report, or the false alarm prevention report review fee required hereunder, the city shall after notice revoke the permit or if a permit is not required, notify the alarm user that emergency services will no longer respond to alarms at that location.
- (c) Following each false alarm exceeding four (4) within one-year period, the city shall notify the permittee of intent to revoke the alarm user permit or if a permit is not required, notify the alarm user that emergency services will no longer respond to alarms at that location in thirty (30) days.
 - (1) The notice of intent to revoke the permit or if a permit is not required, notice of response shall direct the alarm user to submit a false alarm prevention report, on a form provided by the city, and an administrative fee of twenty-five dollars (\$25.00). The false alarm prevention report must describe the actions taken to discover and eliminate the cause of the false alarms and any violations of this chapter.
 - (2) If the alarm user is not able to arrange for completion of all corrective action prior to the end of the thirty-day notice of the revocation period, specific justification for the delay must be included in the false alarm prevention report. This statement should accompany a request for extension for time to complete the corrective actions being taken.
- (d) If the alarm user fails or refuses to submit the false alarm prevention report and/or the twenty-five dollar (\$25.00) administrative review fee, revocation of the permit shall become effective on the date stated in the notice of intent to revoke the permit. Alarm users who do not require permits will be noticed that emergency services will no longer respond to alarms at that location.
- (e) If the alarm user submits the false alarm prevention report and the twenty-five dollar (\$25.00) administrative review fee as directed, the city shall review the corrective action taken and:
 - (1) If the city determines that the corrective action taken will reduce the likelihood of false alarms or eliminate the violation of this chapter, the permittee shall be notified that the permit will not be revoked.
 - (2) The city may grant the permittee an extension of time to complete the corrective actions being taken, if the permittee has requested such and the city has determined that the permittee was not able to complete the corrective actions prior to the deadline of the thirty-day revocation notice period. The length of the extension shall be determined by the city. The

city shall notify the permittee of the extension. The notice of extension shall include:

- a. The corrective action which the permittee had indicated would be taken;
 - b. The requirements for documentation to be submitted to the city stating the completion of the corrective action.
- (f) The deadline for submitting to the city the required documentation stating the completion of the corrective action.
 - (g) A statement of intent to revoke the permit should the permittee fail or refuse to submit the required documentation before the deadline stated in the notice of extension.
 - (h) If the alarm user submits the required documentation to the city upon or before the deadline stated in the notice of extension, the permit shall not be revoked. If the alarm user does not submit the required documentation to the city upon or before the stated deadline, the permit shall be revoked or if a permit is not required, emergency services will no longer respond to that location.
 - (i) An alarm user whose permit has been revoked may apply for a new permit provided that he submits a false alarm prevention report and the twenty-five dollar (\$25.00) administrative review fee with the application. The fee for reapplication shall be no cost.
 - (j) Newly installed and reinstalled alarm systems shall not be subject to the provisions of this section relating to counting and assessment of false alarms for a period of thirty (30) days from the date the alarm system becomes operational if the alarm owner notifies the city in writing within ten (10) days of the completion of the installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled, and if reinstalled, the notice shall also describe the nature and extent of the reinstallation.

(Ord. No. 92-014, § 7, 4-16-92)

Sec. 2.5-8. Police consolidated alarm panel.

- (a) The city shall enter into an agreement with an alarm company that will furnish a police consolidated alarm panel at no cost to the city. The connection fee and annual cost of this service shall be by competitive bid and approved by the city council.
- (b) All alarm businesses and users must utilize the police consolidated alarm panel if the alarm is monitoring by the Georgetown Communications Center except dialing devices.
- (c) Any installation and equipment shall be at no expense to the city except the power supply.

(Ord. No. 92-014, § 8, 4-16-92)

Sec. 2.5-9. Penalties.

Any person, firm or corporation, whether as principal owner, agent, tenant or otherwise who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof may be punished by a fine not exceeding five hundred dollars (\$500.00).

(Ord. No. 92-014, § 10, 4-16-92)

Sec. 2.5-10. Grace period for certain payments.

Notwithstanding anything to the contrary herein, the false alarm prevention payment or the reapplication fee for a revoked permit provided in section 2.5-7 shall not be required until six (6) months after the effective date of this chapter.

(Ord. No. 92-014, § 11, 4-16-92)

Chapter 3 ANIMALS*

***Editor's note:** Former Ch. 3, consisting of §§ 3-1--3-5, 3-21--3-30, 3-46--3-48, has been deleted as having been superseded by Ord. No. 04-027, §§ 1--11, 13--15, adopted Nov. 18, 2004. The former Ch. 3 pertained to similar subject matter and was derived from Code 1966, §§ 91.2--91.7, 91.11--91.20; Ord. No. 83-006, § 2, adopted May 19, 1983; Ord. No. 81-009, §§ 1--3, adopted Oct. 1, 1981; Ord. No. 84-014, § 2, adopted Sept. 20, 1984; Ord. No. 99-014, §§ 1, 2, adopted June 3, 1999.

State law references: Agriculture and animals, KRS ch. 246 et seq.

Art. I. In General, §§ 3-1--3-20

Art. II. Humane Control and Regulation, §§ 3-21--3-34

ARTICLE I. IN GENERAL

Secs. 3-1--3-20. Reserved.

ARTICLE II. humane control and regulation

Sec. 3-21. Definitions.

As used in this article, the following terms are defined below:

Abandonment: Abandonment consists of, but is not limited to, leaving an animal at any location for a period in excess of twenty-four (24) hours, without adequate provision for food, water and general condition.

Animal: Any living nonhuman creature, domestic and wild, including livestock, poultry, pet rodents, pet birds and vermin. However, unless the context otherwise requires, for the purpose of this article, animal generally means dogs, cats, and other animals customarily kept as pets.

Animal at-large: Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

Animal shelter: The facility operated or utilized by the city for the purpose of impounding animals under the authority of this article or state law.

Auction: Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this article. This section does not apply to individual sales of animals by owners.

Circus: A commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment: Any pet shop, grooming shop, guard dog, auction, riding school or stable, zoological park, circus, performing animal exhibition or boarding or breeding kennel.

Cruelty to animals: Intentionally or wantonly subjecting an animal to unjustifiable physical pain, suffering, or death. By way of example, but not in limitation, cruelty to animals includes mistreatment through abandonment, mutilation, beating, torture, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means.

Grooming shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard dog: Any dog that will detect and warn its handler that an intruder is present in/or near an area that is being secured.

Humane officer or animal control officer: Any person designated by the State of Kentucky, a municipal government or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of the state.

Immediate control: ability to manage and direct the dog. This ability is not limited to direct physical control of the dog.

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Livestock: Farm animals, including horses, ponies, cows, swine, sheep, chickens and other animals customarily kept as part of a farming operation.

Owner: Any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Performing animal exhibition: Any spectacle, display, act or event, other than circuses, in which performing animals are used.

Person: Any individual, business or combination inferred from the context of this article.

Pet or companion animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Pet shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells or boards any species of animal.

Public nuisance: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons or substantially interfere with the

rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) Is found at-large three (3) or more times within a twelve-month period;
- (2) Damages or intimidates pedestrians or passersby;
- (3) Chases vehicles;
- (4) Makes excessive noise such as would constitute a violation of the noise article in chapter 9;
- (5) Due to owner's or keeper's violation of this article, causes unreasonable odor, creating unreasonable annoyance or discomfort to owners and occupants of properties adjacent to the premises where the animals are kept;
- (6) Due to owner's or keeper's violation of this article, causes unsanitary conditions within or surrounding the animal's enclosure;
- (7) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained or the manner in which they are kept; or
- (8) Attacks other domestic animals.

Restraint: Any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

Unfit for purchase: An animal is unfit for purchase, which suffers or dies of a disease or parasitic infection and is certified by a veterinarian within thirty (30) days of the purchase date as having had the disease or condition on the date of purchase. A puppy, dog, kitten or cat is unfit for purchase, which suffers from a congenital or hereditary condition and is certified by a veterinarian as having that condition within one (1) year of the date of purchase.

Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

Vicious animal: Any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or domesticated animals.

Wild animal: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Zoological park: Any facility operated by a person, partnership, corporation or government agency, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animals.

(Ord. No. 04-027, § 1, 11-18-04)

Sec. 3-22. General requirements.

- (a) *Rabies vaccination* (Pursuant to KRS 258.015): All dogs and cats, four (4) months of age or older, shall be vaccinated for rabies and revaccinated for rabies at the expiration of the immunization period as certified by a veterinarian. Any other animal kept pursuant to these regulations shall also be vaccinated for rabies at all appropriate intervals as determined by a veterinarian or by the game warden.
- (b) *Killing, injuring or pursuing squirrels, rabbits, or birds*: It shall be unlawful for any person, at any time within the city, to kill, injure, pursue, molest or attempt to injure any squirrels or rabbits running at large in the city, or any birds other than birds of a predatory nature.
- (c) *Livestock and poultry prohibited*: The keeping of livestock or poultry in the city is prohibited, except as part of a commercial animal establishment permitted pursuant to this article. No person shall permit or negligently allow livestock to run at large in the city.
- (d) *Public nuisances prohibited*: It shall be unlawful for any person to keep or to have within the city an animal that habitually or repeatedly gets into garbage cans or bags, or damages flowers, gardens, shrubs or otherwise creates a public nuisance. This shall include, but not be limited to, the following actions: molests passers-by or passing vehicles; attacks people or other animals; is repeatedly at large; damages public or private property; repeatedly barks, whines, or howls.
- (e) *Sale of animals prohibited, except by licensed business*: It shall be unlawful to sell, exchange, trade, barter, or display any horses, cattle or other livestock, dogs, cats, sheep, goats, chickens, or other poultry or fowl, except pursuant to a duly licensed pet store, stockyard, or breeding establishment conducting such sales or exchanges at its regular place of business and which business is duly licensed by the City of Georgetown, and that such sales shall be subject to the provisions of the Kentucky Revised Statutes governing the sale of livestock and animals. This subsection shall not apply to individual owners of animals or livestock, who may sell animals on an occasional basis with such sales being conducted on property owned or leased by them. An example of an exempt private sale by an individual is the occasional sale of a litter of puppies.
- (f) *Prohibition against offering animals as prizes/awards*:
 - (1) No person shall offer any live animal as a prize or award in connection with any raffle, protest, demonstration, promotion, or as an incentive to participate in any game, promotion, or otherwise.
 - (2) The provisions of this subsection shall not apply to any raffle or promotion conducted by a private, nonprofit, livestock-related organization engaged in such activity at a show or exhibition sanctioned by the Kentucky Department of Agriculture.
- (g) *Regulations concerning location of animal sales by individual or business*: No person shall offer to sell, offer for adoption or otherwise give away animals from any location, except individuals not otherwise doing business or as part of a recurring practice of selling or persons engaged in a business at a specific location licensed by the City of Georgetown government for such purpose.

(Ord. No. 04-027, § 2, 11-18-04)

Sec. 3-23. Permits, fee and fines related to commercial animal establishments, animal shelters, animal training, kennels and other uses listed.

- (a) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit pursuant to this section. Application for a permit under this section to establish a new commercial animal establishment under the provisions of this article may be made at any time. This section shall not apply to persons employed by the city or county government.
- (b) The Mayor of the City of Georgetown shall promulgate regulations establishing the procedure for the issuance of permits under this section. All permits issued shall be conditioned on satisfactory compliance with all requirements of this and other applicable articles and laws, including the humane care of animals. These regulations shall be amended from time to time as appropriate for the public health and welfare and the protection of animals.
- (c) A permit shall be issued to an applicant upon compliance with applicable regulations required for the issuance of a permit, upon payment of the applicable non-refundable fee.
- (d) The permit shall be for one (1) year beginning the date on which the permit is issued. Applications for permit renewal may be made up to thirty (30) days prior to, but not later than sixty (60) days after, the expiration of the permit. Applicable permit fees are:
 - Kennel authorized to house fewer than 10 dogs or cats . . . \$ 50.00
 - Kennel authorized to house 10 or more but fewer than 50 . . . 100.00
 - Kennel authorized to house 50 or more dogs or cats . . . 150.00
 - Pet Shop . . . 100.00
 - Auction . . . 100.00
 - Zoological park . . . 200.00
 - Circus . . . 200.00
 - Petting zoo . . . 150.00
 - Guard-dog training center . . . 200.00
 - Riding schools or stables . . . 200.00
- (e) Upon a change in ownership of a commercial animal establishment, the current permit may be transferred to the new owner upon payment of a ten-dollar transfer fee.
- (f) Every facility regulated by this article shall be considered a separate enterprise requiring an individual permit.
- (g) No fee shall be required of any veterinary hospital, animal shelter or government-

operated zoological park.

(h) Permit issuance and revocation:

- (1) Prior to issuing a permit under section 3-23, the city shall inspect the facility for compliance with this article. The city may revoke any permit or license if the person holding the permit refuses or fails to comply with this article, applicable regulations or other law governing the protection and keeping of animals.
- (2) Any person, partnership or corporation whose permit to operate a commercial animal establishment is revoked shall, within ten (10) days of receiving notice of the revocation, humanely dispose of all animals owned, kept, or harbored.
- (3) The city may inspect the premises and all animals of permit holders at any reasonable time. If permission for such inspection is refused, the holder's permit may be revoked.
- (4) Submission of false or incomplete information on an application for permit shall constitute grounds for the denial or revocation of a permit. Such submission may be prosecuted as a violation under section 3-34 below.
- (5) No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment for a period of two (2) years following the date of conviction. The city shall revoke the permit of any person convicted of cruelty to animals.
- (6) Any person having been denied a permit may not reapply for a period of thirty (30) days; each reapplication shall be accompanied by a ten-dollar fee.

(Ord. No. 04-027, § 3, 11-18-04)

Sec. 3-24. Licensing of dogs and cats.

- (a) Any person owning or keeping any dog or cat over six (6) months of age that is covered by this licensing requirement must obtain a license for that animal.
- (b) Written application for licenses shall include name and address of applicant, description of the animal, the appropriate fee and rabies certificate issued by a licensed veterinarian or other person authorized to issue such certificates.
- (c) If not revoked, licenses for the keeping of dogs and cats shall be for a period of one (1) year.
- (d) Application for a license must be made within thirty (30) days of the date on which the owner came into possession of the dog or cat over six (6) months of age. Nonresidents keeping an animal otherwise subject to this provision within the city for not longer than sixty (60) days are exempt from this requirement.
- (e) A license without fee shall be issued for certified Seeing Eye or hearing dogs, governmental police dogs or other dogs certified to assist the disabled.
- (f) Upon acceptance of the license application and fee, the city shall issue a durable tag, stamped with an identifying number and the year of issuance.

- (g) Dogs and cats must wear identification tags at all times.
- (h) The city shall maintain a record of the identifying numbers of all tags issued, making this record available to the public.
- (i) The licensing period shall begin with the date on which the license is issued and be effective for one (1) year.
- (j) A license shall be issued after payment of the following application fee:

TABLE INSET:

Unneuter ed male dog..... \$20.00		male dog..... \$5.00
Unneuter ed male cat..... 20.00		male cat..... 5.00
Unspaye d female dog..... 20.00		female dog..... 5.00
Unspaye d female cat..... 20.00		female cat..... 5.00

Individuals age sixty-five (65) or older are eligible to license an animal without charge. The licensing of all subsequent animals in a given year shall require payment of the stated license fee.

- (k) A duplicate license may be obtained upon payment of a one-dollar replacement fee.
- (l) Animal licenses are not transferable from one (1) animal to another.
- (m) Animal licenses may be obtained at the animal shelter or at participating veterinarians. Veterinarians may add an additional two dollars (\$2.00) for their services.

(Ord. No. 04-027, § 4, 11-18-04)

Sec. 3-25. Confinement and control of animals required.

- (a) *Dogs running at large:* No dog shall be permitted to run at large, except under the immediate control of its owner or handler. Keeping a dog under the immediate control of its owner, handler or other person in charge of the animal shall be accomplished in one (1) of the following ways:
 - (1) Confined within an enclosure that complies with the requirements below;
 - (2) Firmly secured by means of a collar, chain or other device so that it cannot stray from the premises on which it is secured. Securing a dog by collar, chain or other device is further governed by subsection 3-28(f), below, which phases out the use of chains and ropes, other than as leashes; or

- (3) If off of the owner's or handler's premises, the animal shall be subject to the person's immediate control, whether by leash, command or other humane device.
- (b) *Proper enclosures for canines:*
 - (1) Enclosures for canines, adult and juvenile, shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.
 - (2) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by canine which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign and the sign must be posted next to the driveway or entry to the property. This type of enclosure must contain proper shelter from the weather for the animal.
- (c) *Female dogs and cats in heat to be confined* (related to dogs, KRS 258.255): Every female dog or cat in heat shall be confined in a building or secure enclosure in a manner that prevents the animal from coming into contact with another animal, except for a planned breeding. For the purpose of this regulation, an underground fence system is not a secure enclosure.

(Ord. No. 04-027, § 5, 11-18-04)

Sec. 3-26. Keeping of vicious animals prohibited.

The keeping of a vicious animal is prohibited.

Sec. 3-27. Impoundment of animals and violation notice.

- (a) Unconfined and uncontrolled dogs and nuisance animals shall be taken by the city and impounded in an animal shelter in a humane manner.
- (b) Animals taken under this section shall be kept for at least five (5) working days.
- (c) If, by a license tag or other means, the owner of an impounded animal can be identified, the city shall, immediately upon impoundment, notify the owner by telephone or notice posted at the home of the owner.
- (d) An owner reclaiming an impounded cat shall pay a fee of ten dollars (\$10.00) plus two dollars (\$2.00) for each day the animal was impounded. Subsequent impoundments occurring within twelve (12) months shall incur double impoundment fees.
- (e) An owner reclaiming an impounded dog shall pay a fee of ten dollars (\$10.00) plus two dollars (\$2.00) for each day the animal had been impounded. If the animal is not licensed, the owner shall obtain a license and pay a license fee for

the animal. Subsequent impounds occurring within twelve (12) months shall incur double impoundment fees.

- (f) Any animal not reclaimed by its owner within five (5) working days shall become the property of the city and shall be placed for adoption in a suitable home. If the animal is not suitable for adoption, the animal may be humanely euthanized by sodium pentobarbital.
- (g) In addition to, or in lieu of, impounding an animal found at large, the animal control officer, humane officer, or police officer may issue to the owner of the animal, if known, a notice of article violation. The notice shall inform the owner of the penalty of twenty dollars (\$20.00) for permitting the animal to be at large. The penalty shall be payable to the city within seventy-two (72) hours of delivery of the notice. Payment of the penalty shall not be in satisfaction of fees related to impoundment. In the event that such penalty is not timely paid, the city may have a criminal summons issued out of the district court.
- (h) The city shall keep records of the care, feeding, veterinary treatment and disposition of all animals impounded at the shelter.
- (i) In the event that the city finds an animal to be subjected to inhumane conditions resulting in the animal's suffering, the animal may be removed and cared for at the owner's expense. If the animal's condition precludes reasonable relief of its suffering, the city may euthanize it. In this event, the city need not wait the five (5) days required above. Where practicable, the city shall notify the owner prior to euthanasia. The animal shall be returned to the owner only if abuse is not charged and all expenses incurred by the city have been reimbursed. If abuse is charged, the animal will be returned only on order of the court and reimbursement of all expenses incurred.
- (j) No action of the city, including euthanasia of the animal, shall relieve the owner of liability for violations and accrued charges.

(Ord. No. 04-027, § 7, 11-18-04)

Sec. 3-28. Animal care (standards for humane care).

- (a) All owners or keepers of animals shall provide his or her animals with humane care and treatment, which includes proper grooming. Examples of humane treatment required of persons owning or possessing animals are: sufficient wholesome and nutritious food, water, air, shelter, space, protection from the weather and reasonable veterinary care.
 - (1) All owners or keepers of animals shall maintain a clean and healthful shelter and living area for any animal being kept. The area shall be free of accumulated waste and debris to the extent that the animal can walk or lie down without coming in contact with any such waste or debris. All such shelter or living areas must be cleaned and maintained regularly to provide for the proper health of the animals being kept.
 - (2) All living areas shall be constructed and maintained to promote drainage of rainwater to prevent the accumulation of mud and/or water.
 - (3) Shelters shall be constructed to protect the animal from precipitation and of a material which provides insulation from temperature extremes. In

addition to the shelter, a shaded area shall also be provided by means of trees or other structures, e.g., awning.

- (4) The shelter shall have a dry floor, constructed of a material that provides insulation with supports or boards that keep the floor off of the ground. Insulated bedding material shall be provided during weather extremes.
- (b) No person shall beat, ill-treat, torment, overload, overwork, or otherwise abuse an animal. No person shall cause, instigate, permit or participate in a dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- (c) No person shall abandon an animal in his or her care. In the event that an animal is abandoned, the city may impound the animal pursuant to section 3-27.
- (d) The cropping of a dog's ears or the docking of a dog's tail shall be performed only by a person duly authorized and licensed.
- (e) A chain, leash or similar restraint used to maintain a dog under the immediate control of the owner or handler when the animal is outside the premises in which the animal is otherwise kept, shall be designed and placed to prevent choking or strangulation.
- (f) The securing of a dog by a chain, rope or similar equipment (hereafter referred to as chain) used as a means of restraint on the premises where the dog is usually kept, i.e., the home of the owner or handler, shall not be less than ten (10) feet in length and must be used in conjunction with a swivel or a chain run. No portion of the chain that is entangled shall be included in the ten (10) feet minimum length.
 - (1) Provided, that not later than February 1, 2005, no dog shall be secured by a chain that is anchored at only one (1) location, anchoring that restricts the animal's movement to a circle around a single anchor the radius of which is determined by the effective length of the chain. Beginning on that date, all chains securing a dog shall be connected to a chain run by means of a wire or other fixture anchored at two (2) locations not less than ten (10) feet apart, an arrangement that allows the animal to run along either side of the wire the distance of the anchored wire plus the minimum ten (10) feet length of the chain beyond each anchor. This arrangement permits far greater exercise than merely circling a single anchor the radius of the chain.
 - (2) This prohibition of the single point chain does not apply to the owner or handler who keeps his or her dog in the home or in a complaint enclosure, but who, for exercise, personal break or other appropriate need, temporarily secures the animal by a chain for a time not to exceed eight (8) hours in any twenty-four-hour period.
- (g) Chickens, ducklings or rabbits younger than eight (8) weeks of age may not be sold to a single purchaser in quantities of fewer than twelve (12).
- (h) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop immediately, render such assistance as may be reasonably and safely given and report such injury or death to the animal's owner if known, or to the city.

- (i) No person shall knowingly place any poisonous substance so that the poison is likely to be eaten by any animal. Utilization of commercially prepared rat poison in the manner for which it is intended is not a violation of this section.

(Ord. No. 04-027, §8, 11-18-04)

Sec. 3-29. Keeping of wild animals prohibited.

No person shall own, possess, or otherwise exercise custody over, whether or not on his or her property, any wild or vicious animal for display, training, or exhibition. AAZPA accredited or educational facilities are exempt from this section.

(Ord. No. 04-027, § 9, 11-18-04)

Sec. 3-30. Regulations for performing animal exhibitions.

- (a) No person may participate as a sponsor, promoter, trainer, spectator or other facilitator in connection with any activity in which a wild animal is compelled to engage in unnatural behavior, is wrestled, fought, mentally or physically harassed or displayed in such a way that the animal is stressed mentally or physically; or in which a wild animal is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to either public or private events, and applies regardless of any other purpose for which the event is held and irrespective of whether a fee is charged.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition.

(Ord. No. 04-027, § 10, 11-18-04)

Sec. 3-31. Additional regulations for animal care.

- (a) *Pet store regulations and standards:*
 - (1) All pet shops, including businesses that sell pets in conjunction with or as part of their larger business, shall, in addition to the requirements of this section, comply with all standards provided in the other sections of this article. Facilities shall be subject to inspection by the city during reasonable hours.
 - (2) Facilities shall be equipped with hot water at a minimum temperature of one hundred forty (140) degrees Fahrenheit for washing and disinfecting. Cold water shall be accessible to all parts of the store. Fresh water shall be available to all species at all times. Water and food containers shall be cleaned and disinfected each day. All water and food containers shall be mounted so the animal cannot turn them over. Water and food containers shall also be removable for cleaning.
 - (3) The store's ambient room temperature shall be maintained at a level that is healthful for every species kept in the shop.
 - (4) All cages and enclosures shall be of nonporous material for easy cleaning and disinfecting. Each cage shall be of sufficient size that the animal has

room to stand, turn, and lie down in natural positions. Each cage must be cleaned and disinfected each day.

- (5) All animals under three (3) months of age are to be fed at least three (3) times per twenty-four (24) hours. All animals from three (3) months to nine (9) months of age shall be fed at least two (2) times per twenty-four-hour period, including Sundays and holidays. All other animals shall be fed at least once per twenty-four-hour period, including Sundays and holidays.
 - (6) Each bird shall have sufficient room to sit on a perch. Perches shall be placed parallel and horizontal to each other in the same cage. Cages shall be cleaned everyday. Cages shall be disinfected when birds are sold or otherwise transferred to a different cage. Parrots and other large birds shall have separate cages from smaller birds.
 - (7) There shall be adequate clean dry bedding for each individual animal.
 - (8) All animals must be fed and watered, and all cages cleaned every day.
- (b) *Puppies, dogs, kittens, cats purchased; certification as unfit for purchase:*
- (1) No pet shop, animal dealer, or other person as part of his or her business shall sell any puppy, dog, kitten or cat, which is unfit for purchase.
 - (2) In the event that a puppy, dog, kitten or cat is certified as unfit for purchase and such certification is presented in writing to the seller within seventy-two (72) hours of the veterinary certification, the buyer may choose one (1) of the following options and the seller shall be obligated to fulfill the chosen option:
 - a. The buyer may return the animal for a full refund of the purchase price plus tax. The buyer shall also receive reimbursement of the veterinary fee incurred for the certification plus veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease or condition incurred prior to determination of the animal's unfitness for purchase and any veterinary fees incurred.
 - b. The buyer may return the animal for an exchange up to the purchase price, tax, plus the reimbursement of veterinary fees provided for in the preceding section.
 - c. The buyer may keep the animal and attempt to cure or ameliorate the disease, infection, or condition. The seller shall be responsible for the cost of veterinary fees reasonably related to the treatment of the animal that was certified as unfit, up to the full purchase price of the animal plus tax.
 - d. The buyer of a puppy, dog, kitten or cat that dies from the disease, defect, infection or condition for which it is certified as unfit for purchase may receive a full refund of purchase price plus tax. The buyer shall also receive reimbursement of the veterinary fee incurred for the certification plus veterinary fees directly related to necessary emergency services and treatment undertaken to

remedy the disease or condition incurred prior to determination of the animal's unfitness for purchase and any veterinary fees incurred providing comfort.

- e. The seller may contest a demand for veterinary expenses, refund or exchange made by a buyer. The seller's contest must be made in writing within two (2) days of the buyer presentment of the certificate of unfitness. The written contest shall require the buyer to produce the animal for examination by a licensed veterinarian of the seller's choice. Upon such examination, if the buyer and the seller are unable to agree on the buyer's choice of options, above, within ten (10) business days following receipt of the animal for examination, the buyer may initiate an action in a court of competent jurisdiction to recover the entitlements provided for above, plus any relief otherwise provided under applicable law.

(c) *Riding schools/stables regulations and standards:*

- (1) All riding schools or stables shall, in addition to the requirements of this section, comply with standards provided in the other sections of this article. Facilities shall be subject to inspection by the city during reasonable hours.
- (2) All animals shall be provided with daily food and water, free from contamination. The food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet accepted daily requirements for the age, condition and size of the animal.
- (3) All equipment used for riding must properly fit each animal and be in proper working condition.
- (4) Shelter: All buildings and sheds used for stabling animals shall be:
 - a. Well lit and ventilated and provide adequate protection from the weather;
 - b. Kept clean and in good repair at all times; manure and urine shall be removed therefrom daily.
 - c. Equipped with acceptable bedding material.
 - d. Equipped with enclosures where animals are kept that have floors graded and raked to keep the surface dry.
- (5) Flies and other insects must be controlled through general sanitation and necessary means.
- (6) Animals let for riding purposes must be in good physical condition. Animals shall be properly shod and the hooves shall be kept trimmed. Reasonable veterinary and follow-up care shall be provided.
- (7) Animals shall be kept clean, particularly in the area in contact with harness or other tack.
- (8) Animals shall not be overworked. Animals worked more than two (2) hours without thirty (30) minutes rest or receiving less than ten (10) hours rest out of every twenty-four (24) hours shall be presumed to be

overworked.

- (9) All harnesses and bridles shall be kept cleaned and in good repair.
- (10) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Whips and riding crops shall be used in a manner by which no injury is caused to the animal.
- (11) The city may order all or part of the premises closed or quarantine a particular animal for any of the following reasons:
 - a. Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.
 - b. General malnutrition as diagnosed by a veterinarian.
 - c. Presence or suspicion of transmissible disease as diagnosed by a veterinarian.
- (12) All stalls, barns, paddocks, fields, or any enclosures where horses or ponies are kept, shall be secured by gates and fencing in good repair and sufficient to prevent the escape of the animal.
- (d) *Theatrical exhibitions/circuses:*
 - (1) All theatrical exhibitions/traveling circuses shall, in addition to the requirements of this section, comply with standards provided in the other sections of this article. Facilities shall be subject to inspection by the city during reasonable hours.
 - (2) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure, another animal or waste. Each enclosure shall maintain a comfortable and healthful temperature level as well as adequate ventilation.
 - (3) The enclosure, performance, or exhibit area shall include a barrier located in such a manner as to prevent the public from coming in physical contact with the animals. Exempted from this provision are pony rides and petting zoos containing only domestic animals and exhibitions sanctioned by the Kentucky Department of Agriculture.
 - (4) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.
 - (5) No animal shall be caused or induced to fight, wrestle or be physically matched against any other animal, person or machine.
 - (6) No animal shall perform or be displayed in any dangerous situation, such situation presenting the danger of physical injury to the animal or person.
 - (7) The city must be notified of all displays or performances, including date, time, and location at least forty-eight (48) hours in advance of the scheduled time.

(Ord. No. 04-027, § 11, 11-18-04)

Sec. 3-32. Animal waste disposal.

The custodian of every animal shall remove immediately any excreta deposited by his or her animal(s) on public walks, streets, recreation areas or private property belonging to another.

(Ord. No. 04-027, § 13, 11-18-04)

Sec. 3-33. Enforcement.

This article shall be enforced by those persons or agencies designated by the city or applicable law. No one shall interfere with or impede the city or its agents' enforcement of this article. At the designated officer's discretion, either civil citations or criminal summons may be issued for violations of this article.

(Ord. No. 04-027, § 14, 11-18-04)

Sec. 3-34. Penalties for violations.

(a) Civil penalties:

- (1) First offense. For the first offense, a fine of fifty dollars (\$50.00);
- (2) Second offense. For the second offense within twelve (12) months, a fine of one hundred dollars (\$100.00);
- (3) Third and subsequent offenses. For the third and subsequent offenses within twelve (12) months, a fine of two hundred dollars (\$200.00).
- (4) Payment of civil penalties; penalty for nonpayment. Within seven (7) days from the date of the issuance of a civil citation pursuant to this article, the person cited shall:
 - a. Pay to the city the civil penalty prescribed at the designated boxes provided at 100 Court Street or the police department at 550 Bourbon Street; or
 - b. Request a hearing regarding such citation and/or penalty before the administrative appeals board.
 - c. Failure to pay the citation or request a hearing within the required seven (7) days shall result in the administrative appeals board's entry of a final order determining:
 - i. The person cited to have waived his or her right to a hearing;
 - ii. The citation and fine to be proper under this article; and
 - iii. The assessment of an administrative fee in an amount equal to the original citation fine.
- (5) Person issued a criminal summons shall answer the summons according to applicable law.

- (b) Criminal penalties for serious or repeat offenders, for whom the enforcement officer determines (pursuant to section 3-33 above) that criminal penalties are appropriate:
- (1) Any person violating any provision of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00), but no more than five hundred dollars (\$500.00). If a violation continues for more than one (1) day, each day during which the violation continues shall be deemed a separate violation. Any civil penalty levied prior to issuance of criminal charges in district court for the same underlying act or occurrence as that for which the earlier civil penalty was imposed, shall be due and payable by the person upon conviction. This civil penalty shall be payable in the manner of restitution.
 - (2) The city may revoke all licenses or permits issued to any person, whether an individual or a person engaged in a commercial animal establishment convicted of cruelty to an animal. A person whose license is revoked under this provision shall not be eligible for reissuance of any license under this article for two (2) years, unless a longer period is ordered by the court. In addition to the required period of ineligibility, every person whose license or permit is revoked for a conviction of cruelty to an animal shall successfully complete an approved animal care program prior to issuance of a permit or license under this article.
- (c) Upon revocation of a permit, the city shall remove the previously permitted animals(s) and dispose of it consistent with section 3-27.
- (d) Upon conviction in Scott District Court of criminal animal abuse, the court shall determine whether the person convicted will be ineligible for reissuance of a permit or license under this article for not less than two (2) years or more than five (5) years.
- (e) Penalties pursuant to civil citations shall be satisfied as follows: Payment of fines; penalty for nonpayment: Within seven (7) days from the date of the issuance of a civil citation pursuant to this article, the person cited shall:
- (1) Pay to the city the civil penalty prescribed at the designated boxes provided at 100 Court Street or the Police Department at 550 Bourbon Street; or
 - (2) Request a hearing regarding such citation and/or penalty before the administrative appeals board.
 - (3) Failure to pay the citation or request a hearing within the required seven (7) days shall result in the administrative appeals board's entry of a final order determining:
 - a. The person cited to have waived his or her right to a hearing;
 - b. The citation and fine to be proper under this article; and
 - c. The assessment of an administrative fee in an amount equal to the original citation fine.

(Ord. No. 04-027, § 15, 11-18-04)

Chapter 4 BUILDINGS AND BUILDING REGULATIONS*

***Cross references:** Building department, § 2-181 et seq.; alarm systems, ch. 2.5; fire prevention and protection, ch. 7; flood prevention, ch. 8; streets, sidewalks and other public places, ch. 15; subdivision regulations, ch. 16; utilities, ch. 19; zoning, ch. 20.

State law references: Building code, KRS ch. 198B; local enforcement of building code, KRS 198B.060.

- Art. I. In General, §§ 4-1--4-20
- Art. II. Building Code, §§ 4-21--4-35
- Art. III. One and Two Family Dwelling Code, §§ 4-36--4-50
- Art. IV. Electrical Code, §§ 4-51--4-70
- Art. V. Plumbing Code, §§ 4-71--4-90
- Art. VI. Gas Code, §§ 4-91--4-105
- Art. VII. Mechanical Code, §§ 4-106--4-120
- Art. VIII. Property Maintenance Code, §§ 4-121--4-135
- Art. IX. Moving of Structures, §§ 4-136--4-150
- Art. X. Fences, §§ 4-151--4-160
- Art. XI. Unsafe Structures, §§ 4-161--4-170
- Art. XII. Licensing of Electricians, §§ 4-171--4-200
- Art. XIII. Property and Building Numbering System, §§ 4-201--4-205

ARTICLE I. IN GENERAL

Sec. 4-1. Surveys, inspections and investigations.

For the purpose of making surveys, inspections and investigations, the building official is hereby authorized, upon identification and statement of purpose, to enter, inspect, survey and investigate between the hours of 8:00 a.m. and 5:00 p.m., or at any time if an emergency exists, or if requested by the owner or occupant, all buildings, dwellings, dwelling units, rooming units and general premises. The owner or occupant of every building, dwelling, dwelling unit, rooming unit and general premises, or the person in charge thereof, shall give the building official free access to such building, dwelling, dwelling unit, rooming unit or general premises for the purpose of such inspection, survey or investigation.

(Code 1966, § 154.1(b))

State law references: Hindrance of building inspectors prohibited, KRS 198B.140.

Sec. 4-2. Permits--When required.

- (a) Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, insert other items, such as heating, electrical, etc., or to cause any such work to be done, shall first make application to the building official and obtain the required permit therefor.
- (b) Ordinary minor repairs may be made with the approval of the building official without a permit; provided that such repairs shall not violate any of the provisions of this Code.

(Code 1966, § 154.2)

Sec. 4-3. Same--Form.

- (a) Each application for a permit with the required fee, shall be filed with the building official, on a form furnished by him, and shall contain a general description of the work and its location. The application shall be signed by the owner, or his authorized agent.
- (b) Each application for a permit shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the building official.

(Code 1966, § 154.3)

Sec. 4-4. Building inspector.

The position of building inspector position, grade 8, will comply with all duties, qualifications and requirements provided in the attached position classification. Upon the adoption of this section there will be four (4) building inspector positions, grade 8.

Editor's note: The position classification attached to Ord. No. 04-015 has not been included herein but is available for inspection in the office of the clerk-treasurer.

Sec. 4-5. Building inspection code enforcement officer.

There is created one position of building inspection code enforcement officer, grade 7. The position requires the qualifications and performance of duties set out on the attached position classification which is incorporated as part of this section and designated Exhibit A.

(Ord. No. 04-018, § 1, 7-15-04)

Editor's note: The position classification attached to Ord. No. 04-018 has not been included herein but is available for inspection in the office of the clerk-treasurer.

Secs. 4-6--4-20. Reserved.

ARTICLE II. BUILDING CODE

Sec. 4-21. Adoption of Kentucky Building Code.

- (a) *Generally.* The 1997 Kentucky Building Code as promulgated in 815 KAR 7:105, by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, is adopted by the City of Georgetown, Scott County, Commonwealth of Kentucky, as if set out at length herein.

A copy of the applicable state building code, together with all other regulations or NFPA pamphlets adopted or referred to in that code, is on file in the office of the city clerk who shall, at all times, keep a copy of the code for reference.

- (b) *Designated enforcement officer.* The city building inspector is the local enforcement officer for the state building code. All inspections shall be performed by persons certified by the state department of housing, building and construction.
- (c) *Permits and fees.* The fees for permits and inspections currently charged are not affected by this section.
- (d) *Inconsistent ordinances repealed.* All ordinances or parts of ordinances, including prior versions of the state building code which are in conflict with the code adopted by this section, are repealed to the extent of such conflict.

(Code 1966, § 156.3; Ord. No. 81-003, § 1, 3-19-81; Ord. No. 88-016, § 1, 8-16-88; Ord. No. 98-013, §§ 1--4, 7-2-98)

State law references: Authority to adopt standard codes by reference, KRS 83A.060(5); local enforcement of Kentucky Building Code mandated, KRS 198B.060.

Secs. 4-22--4-35. Reserved.

ARTICLE III. ONE AND TWO FAMILY DWELLING CODE

Sec. 4-36. Adoption of One and Two Family Dwelling Code.

- (a) *Adoption of Kentucky Building Code.* The 1997 CABO One and Two Family Dwelling Code is adopted by the city council, as if set out at length in this section.

A copy of the applicable code, together with all other regulations or pamphlets adopted or referred to in that code, is on file in the office of the county clerk and the city clerk, who shall, at all times, keep a copy of the code for reference.

- (b) *Designated enforcement officer.* Pursuant to agreement, the designation of the city building inspector as the local enforcement officer for the code in the county is unchanged by this section. All inspections shall be performed by persons certified by the state department of housing, building and construction.
- (c) *Permits and fees.* The fees for permits and inspections currently charged are not affected by this section.
- (d) *Inconsistent ordinances repealed.* All ordinances or parts of ordinances, including prior versions of the CABO One and Two Family Dwelling Code which are in conflict with the code adopted by this section, are repealed to the extent of such conflict.

(Ord. No. 88-016, § 1, 8-16-88; Ord. No. 98-014, §§ 1--4, 7-2-98)

State law references: Authority to adopt standard codes by reference, KRS 83A.060(5).

Secs. 4-37--4-50. Reserved.

ARTICLE IV. ELECTRICAL CODE*

***State law references:** Regulation of electricians, KRS 227.450 et seq.

Sec. 4-51. Adoption of National Electrical Code.

The National Electrical Code, 1981 edition is hereby adopted by reference as if copied in full and set forth herein.

(Code 1966, § 159.1)

State law references: Authority to adopt standard codes by reference, KRS 83A.060(5).

Sec. 4-52. Electrical wiring requirements.

- (a) All electrical wiring within the city shall, when installed for the purpose of being connected to a source of electrical energy, be sufficiently insulated, supported and protected to be reasonably free from hazards to life and property caused by over-loading, short-circuiting and improper protection or installation of electrical equipment.
- (b) All electrical wiring shall be in full compliance with the National Electrical Code and the National Electrical Safety Code, as provided by the American Standards Association and the Standards of Safety as adopted and approved by the state department of insurance, division of fire prevention and rates. Failure to comply with the foregoing shall be prima facie evidence of the violation of this article.

(Code 1966, § 159.2)

Sec. 4-53. Inspections.

The council may contract with private electrical inspection firms for all electrical inspections.

(Code 1966, § 159.3)

Sec. 4-54. Notice of readiness for inspection.

It shall be the duty of the person installing electrical wiring or equipment, or repairing or rearranging same, to notify the building official prior to the time the work is commenced, and also when the work is ready for inspection, and it shall be unlawful for any person to conceal any such electrical wiring or installations until after same has been reported to the building official, and has been inspected and approved by the building official.

(Code 1966, § 159.4)

Sec. 4-55. Certificate of approval prerequisite to furnishing current.

It shall be unlawful for any person, including any electric light or power company to connect with or furnish current to any electrical installation within the corporate limits of the city until after such electrical installation shall have been inspected and approved

by the electrical inspector, and a certificate of approval issued by him.

(Code 1966, § 159.5)

Sec. 4-56. Revocation of license.

Should any licensed electrical contractor or electrician violate any of the sections or provisions of this article, or should he consistently or repeatedly do and perform work not in accordance herewith, his license shall be subject to revocation by the city which revocation shall be in addition to the criminal penalties provided for in this Code.

(Code 1966, § 159.6)

Sec. 4-57. Liability for defects.

This article shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling, maintaining or installing any electrical wiring, devices, appliances or equipment for damages to person or property caused by any defect or failure therein; nor shall the city be held as assuming any such liability or responsibility by reason of the inspection authorized herein, or the certificate of approval issued as herein provided.

(Code 1966, § 159.7)

Secs. 4-58--4-70. Reserved.

ARTICLE V. PLUMBING CODE*

***Cross references:** Sewers, § 19-41 et seq.; water, § 19-151 et seq.

Sec. 4-71. Definition.

For the purpose of this article, "plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances and appliances of various kinds, all within or adjacent to the building. It shall include:

- (1) The water service pipe which forms the connection between the property line and the building;
- (2) Private water supply systems;
- (3) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal; and
- (4) Storm sewers, rainwater piping and private sewage disposal systems.

(Code 1966, § 158.1)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 4-72. Adoption of State Plumbing Code.

The State Plumbing Code, promulgated by the state board of health on file with the legislative research commission, Frankfort, Kentucky, is hereby adopted by reference and made a part hereof to the same extent as if set out in full herein. Provided, however, the Section 1 of regulation PC-1 of the State Plumbing Code shall not apply and provided further that this article shall not apply to "farmsteads" as defined by KRS 318.010(9). Permits to construct, install or alter plumbing, sewerage or drainage within the city may be issued to any person upon proper application and payment of the prescribed fee as set forth in PC-1, sections 2 and 3 of the State Plumbing Code.

(Code 1966, § 158.2)

State law references: Authority to adopt standard codes by reference, KRS 83A.060(5).

Sec. 4-73. Permit--Required.

No person shall construct, install or alter any plumbing, sewage or drainage system within the city without first having procured a plumbing installation permit from the county health department; provided, however, that no permit shall be required for the repair of leaks, cocks, valves, or for cleaning out waste or sewer pipes. All plumbing shall comply with the State Plumbing Code.

(Code 1966, § 158.3)

Sec. 4-74. Same--Application.

All applications for plumbing permits shall be accompanied by a plan of the proposed plumbing installation, type of sewerage disposal, location of septic tank or drain field to be used. No plumbing permit shall be issued until plans of the plumbing and sewerage disposal have been submitted to and approved by the building official.

(Code 1966, § 158.4)

Sec. 4-75. Inside plumbing required.

All dwelling houses or structures used for human habitation, or any building used for business or industrial purposes in the city, which may hereafter be constructed or remodelled, shall be required to have inside water facilities, which are connected to the public water supply, and to have inside toilet facilities to be connected to the public sewer, where same are available, or if none, then to an approved septic tank, unless the facilities already exist; and it being understood that the facilities are for the use and benefit of the owner, his lessees and employees and not for public use unless such permission is given in their discretion.

(Code 1966, § 93.4)

Sec. 4-76. Health department approval required.

No new construction of dwellings or buildings, or any repair or remodelling or additions therein, which involves the installation of water and toilet facilities, shall be undertaken or carried out without the written approval of the county health department.

(Code 1966, § 93.5)

Secs. 4-77--4-90. Reserved.

ARTICLE VI. GAS CODE

Sec. 4-91. Adoption of gas installation and maintenance code.

The requirements and specifications governing the installation and maintenance of gas service piping, house piping, meter and regulator settings, appliance venting on customer's premises and other related matters, under date of April 1956, of the Columbia Gas System and the Central Kentucky Natural Gas Company, Inc., having been read at length before the council, and a copy of same having been filed of record in the office of the clerk-treasurer, and a copy being attached to the original of Ordinance No. 757 which shall be filed in the permanent record of ordinances of the city, it is hereby ordained that the requirements and specifications shall constitute the official code of the city for such gas installation and maintenance and the requirements and specifications are adopted by reference as the law for such matters within the city limits, and all of same are made part hereof as if copied and set forth in full herein.

(Code 1966, § 157.1)

State law references: Authority to adopt standard codes by reference, KRS 83A.060(5).

Secs. 4-92--4-105. Reserved.

ARTICLE VII. MECHANICAL CODE

Sec. 4-106. Adoption of BOCA Basic Mechanical Code.

There is hereby adopted by reference the BOCA Basic Mechanical Code, 1981 edition, as published by the Building Officials and Code Administrators International, Inc., which shall be in full force and effect in the city as if fully set forth herein.

State law references: Authority to adopt standard codes by reference, KRS 83A.060(5).

Secs. 4-107--4-120. Reserved.

ARTICLE VIII. PROPERTY MAINTENANCE CODE*

***State law references:** Low-cost housing, KRS ch. 198A; housing, buildings and construction, KRS ch. 198B.

Sec. 4-121. Adoption of property maintenance code.

Upon the adoption and effective date of this article, the 1998 International Property Maintenance Code, a copy of which is attached and made part of this section by this reference, shall govern the maintenance and continuing condition for all existing structures in the city according to its terms.

(Code 1966, § 160.1; Ord. No. 90-025, § 1, 10-4-90; Ord. No. 93-029, § 1, 12-16-93; Ord. No. 99-018, §§ 1--3, 7-1-99)

State law references: Authority to adopt technical codes by reference, KRS 83A.060(5).

Sec. 4-122. Amendments to the text of the printed code.

The following sections shall supersede those which are provided in the printed text of the Code:

101 General.

PM-101.1 Title: These regulations shall be known as the International Property Maintenance Code of The City of Georgetown, referred to as this code.

103 Department of property maintenance inspection.

PM-103.1 General: The City Code Enforcement Officer shall be the code official responsible for the enforcement of the provisions of this Code.

104 Duties and powers of the code official.

PM-104.6 Notice and Orders: The code official may issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with the requirements of this code for the safety, health, and general welfare of the public.

PM-104.7 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and such records shall be open subject to KRS 61.870 et seq.

106 Violations.

PM-106.4.1 Civil penalty: Any person, firm or corporation who violates any provision of this code may be subject to civil penalties of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), pursuant to the civil penalty guidelines as set forth below. The amount of civil penalties shall be determined by the number of reinspections required to correct the violation. The following table provides the penalty for reinspections which reveal uncorrected violations. The higher the number of violations and required reinspections shall result in higher penalties.

TABLE INSET:

Uncorrected Violations					+
1--3	\$100.00	\$150.00	\$200.00	\$250.00	\$ 300.00
4--7	150.00	200.00	250.00	300.00	350.00
8--10	200.00	250.00	300.00	350.00	400.00
11--15	300.00	350.00	400.00	450.00	500.00
16--20	400.00	450.00	500.00	550.00	750.00

21+	650.00	700.00	750.00	800.00	1,000.00
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107 Notices and orders.

PM-107.2 Form: Such notice prescribed in Section PM-107.1 shall be in writing and include the following:

1. a description of the real estate sufficient for identification;
2. a statement of the reason or reasons the notice is being issued;
3. a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit into compliance with the provisions of this code;
4. information regarding the procedure to contest the correction order. This information shall include a statement to the effect that should there be no contest of the correction order within the time allowed, the right to contest that order shall be waived. The statement shall include information that the upon the failure to contest the order shall result in a final determination that the referenced violation was committed;
5. A statement explaining the potential for and the determination of civil penalties of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (1,000.00) which may be imposed for failure to comply with the correction order.
6. In cases where a civil penalty is assessed for failure to correct the violation(s), such notice shall include:
 - a. the amount of the civil penalty to be imposed;
 - b. the procedure for paying the civil penalty or to contest the penalty;
 - c. a statement that failure to pay or contest the civil penalty within twenty (20) days of the service of the notice of civil penalty will result in the waiver of the right to a hearing before the board to contest the civil penalty. This statement shall include the information that, the assessment of civil penalty, upon final determination, shall be final;
 - d. a statement that if the civil penalty is not paid, the payment of the civil penalty shall be secured by a lien on the property with a notice of that lien in the amount of the civil penalty plus administrative fees will be filed placed against the property. [This section replaces that in the text of the printed code.]

PM-107.3 Method of Service: [The following text shall be added after the listing of methods of service in the text in the printed code.] If the owner of the Property cannot be ascertained with reasonable diligence, including reference to the Property Valuation records, the official shall make an affidavit to that effect. Upon documenting the official's inability to determine the identity of the owner, the notice may be served by publication in a newspaper the local paper of general circulation for two (2) consecutive publications. If the property owner employs or utilizes a management company or other agent for the maintenance

of the property, the owner may designate, in writing on a form provided by and filed with the code enforcement office, the name and address of the company or agent to which notices shall be served. Regardless of the service of notices on agents, the owner retains responsibility for compliance with this code. Notices for condemnation procedures shall also comply with Section PM-108.3 3. In addition to the notice of violation, a separate notice of the assessment of a civil penalty shall also be made in the manner prescribed in Sections PM-107.2 and PM-107.3.

108 Unsafe structures and equipment.

PM-108.1.5 Utility removal: When, in the opinion of the code official, continued utility service could pose a threat to occupants or to the public, the code official may order discontinuance of utility service until such time as necessary repairs have been completed. [This section is added to the text provided in the printed code.]

PM-108.2 Closing of vacant structures: [In addition to the text provided in the corresponding section of the printed Code, the following language is added.] There shall be an administrative fee of seventy-five dollars (\$75.00) assessed in addition to the cost of closing the property. The payment of all charges assessed for the closing the property, cost and fees, shall be secured by a lien on the real estate upon which the structure is located. Notice of the lien shall be filed of record as provided elsewhere in the code.

109 Emergency measures.

PM-109.5 Costs of emergency work: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. Legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs including an administrative fee of seventy-five dollars (\$75.00), including the placing of a lien against said property. [This text is in lieu of the text in the printed Code.]

110 Demolition.

PM-110.1 General: [The text in the printed code is amended to remove the words "so old,"].

PM-110.3 Failure to comply: [The following text is to be added to that in the printed code in place of the phrase, "and the cost of such demolition and removal shall be charged..."] The cost of such demolition and removal, including an administrative fee of one hundred dollars (\$100.00), shall be charged against the real estate upon which the structure is located. The payment of all charges assessed for the demolition and removal closing the property, along with the administrative fee, shall be secured by a lien on the real estate upon which the structure is located. Notice of the lien shall be filed of record as provided elsewhere in the code.

111 Means of appeal.

PM-111.2 Membership of Board: The phrase reading "experience and training" beginning in line three of that section shall read "experience or training."

304 Interior structure.

PM-304.15 Insect screens: The effective dates for the provision of insect screens pursuant to this section shall be from April 1 to December 1.

602 Heating facilities.

PM-6023 Nonresidential structures: The effective dates for the provision of sufficient heat pursuant to this section shall be from October 1 to April 15.

705 Fire protection systems.

PM-705.5.2 Power source: Existing battery-powered smoke detectors in operational condition shall be acceptable. However, when battery-powered smoke detectors are found to be nonoperational or where no smoke detectors exist, approved hard-wired smoke detectors shall be required. [This section replaces that in the text of the printed code.]

(Ord. No. 99-018, § 2, 7-1-99)

Secs. 4-123--4-135. Reserved.

ARTICLE IX. MOVING OF STRUCTURES*

***State law references:** Low-cost housing, KRS ch. 198A; housing, buildings and construction, KRS ch. 198B.

Sec. 4-136. Permit required.

No building, house, room or other structure shall be moved from any location, within or without the city, to any location within the city unless the owner or the mover first secures a permit from the building official.

(Code 1966, § 162.1)

Sec. 4-137. Inspection.

Upon application for a moving permit, the building official shall inspect the structure to determine if it, and the proposed location of it, comply with the zoning ordinance, the building code, the housing code and all other applicable laws and regulations of the city, and that the building official finds no violations of these laws, he shall issue the permit.

(Code 1966, § 162.2)

Sec. 4-138. Substandard structures.

If the building official determines that the structure is substandard in that it contains a violation of the zoning ordinance, the building code, the housing code and other applicable laws and regulations of the city and that it can be repaired, altered or

improved so as to comply therewith at a cost which is less than one-half of the value of the structure, then the building official shall issue the permit and simultaneously order the owner or mover to repair, alter or improve the structure so as to make it comply, or refuse the permit, in the option of the owner or mover; but if the building official determines that the repair, alteration or improvement cannot be made at a cost that is less than one-half of the value of the structure, then he shall refuse the permit.

(Code 1966, § 162.3)

Sec. 4-139. Fee.

The building official shall charge a fee of twenty-five dollars (\$25.00) for each such permit which he issues and the proceeds of the issuance of the permits shall be turned over to the clerk-treasurer to become a part of the city's general fund.

(Code 1966, § 162.4)

Secs. 4-140--4-150. Reserved.

ARTICLE X. FENCES*

***Editor's note:** Ord. No. 84-011, § 1, adopted August 16, 1984, did not specifically amend the Code; therefore, codification as § 4-151 was at the discretion of the editor.

Sec. 4-151. Regulation; residential.

No property owner shall construct or allow to be constructed on property which is zoned for residential use a fence in excess of six (6) feet in height. No such fence constructed will extend past the front portion of any residence on any such lot which exceeds four (4) feet in height and which interferes substantially with visibility and the passage of air and light. In order to qualify under this section, a fence extended past the front of a house cannot be constructed with any fabric which covers in excess of fifty (50) percent of its surface area. Stockade fences are forbidden. Examples of acceptable fencing fabric include: chain link fences without inserts and picket fences, in which the pickets are no wider than the space between them. This list is for illustration only.

No fence extending past the front of a house in a residential zone can extend into the public right-of-way.

(Ord. No. 84-011, § 1, 8-16-84; Ord. No. 91-009, § 1, 6-6-91)

Secs. 4-152--4-160. Reserved.

ARTICLE XI. UNSAFE STRUCTURES*

***Editor's note:** Ord. No. 84-011, § 2, adopted August 16, 1984, did not specifically amend the Code; therefore, codification as § 4-161 was at the discretion of the editor.

Sec. 4-161. Structures damaged by fire or natural calamity.

Any structure which has been substantially damaged by fire, wind, or other natural disaster, and which becomes as a result thereof, in the opinion of the building inspector a hazard to the public or creates an aesthetic problem to adjacent property owners, shall be substantially repaired or reconstructed within ninety (90) days of notification to repair or reconstruct by the building inspector. Failure by the owner to undertake substantial steps to repair and reconstruct within ninety (90) days after notification so to do, shall result in the structure being declared substandard. The building inspector may order the structure demolished in accordance with section 4-138 of the Code of Ordinances.

(Ord. No. 84-011, § 2, 8-16-84)

Secs. 4-162--4-170. Reserved.

ARTICLE XII. LICENSING OF ELECTRICIANS*

***Editor's note:** Ord. No. 03-001, §§ 1--24, adopted January 2, 2003, has been treated by the editor as repealing former art. XII, §§ 4-171--4-192, and adding a new art. XII to read as herein set out. Former art. XII pertained to similar subject matter, and derived from Ord. No. 90-010, adopted June 7, 1990; Ord. No. 91-005, adopted February 21, 1991; Ord. No. 94-027, adopted October 20, 1994; and Ord. No. 96-016, adopted June 20, 1996.

Sec. 4-171. Definitions.

As used in this article, the following definitions shall apply:

Apprentice electrician means any person who is employed by an electrical contractor and is in the process of learning the electrical trade. A licensed journeyman electrician or a licensed electrical contractor shall maintain general supervision over a licensed apprentice electrician while installing, altering or repairing residential electrical wiring. General supervision means the licensed journeyman electrician or licensed electrical contractor need not be present on site at all times, but must maintain general awareness of the work performed by the apprentice. A licensed journeyman electrician or a licensed electrical contractor shall maintain direct supervision over a licensed apprentice electrician while installing, altering or repairing commercial or industrial electrical wiring. Direct supervision means the licensed journeyman electrician or licensed electrical contractor must be present on site at all times the apprentice is engaged in electrical work covered by this article. At no time shall the number of apprentice electricians under the supervision of any one person exceed three (3).

Electrical contractor means any person other than as stated in section 4-181, who proceeds with, or employs others for the construction, alteration, repairs or

additions to any electrical wiring used for the purpose of furnishing heat, light or power.

Journeyman electrician means any person who is employed by an electrical contractor and is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, lights and power.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-172. Examining board of electricians.

Pursuant to KRS 227.450 to KRS 227.500, there is created a board to be known as the examining board of electricians. The board shall be composed of seven (7) members appointed by the mayor and approved by the council, and shall consist of two (2) division of fire and emergency services officials, two (2) electrical contractors, two (2) consulting electrical engineers or architects, and one (1) utility company official. Terms of members shall be two (2) years, provided that the initial term of one (1) division of fire and emergency services official, one (1) electrical contractor and one (1) consulting electrical engineer or architect shall be one (1) year to provide for staggering of terms. Vacancies shall be filled in the same manner as the original appointment, and the successor shall be appointed for the unexpired term. No appointee shall serve more than two (2) consecutive full three year terms. The members of the examining board shall serve without salary.

In the event an ordinance substantially similar to this one is adopted by the Scott Fiscal Court for Scott, in which an examining board of electricians is established, the board described in this section shall be a joint board, serving the city and the county. In this event, the board shall be appointed one (1) division of fire and emergency official, one (1) electrical contractor and one (1) consulting electrical engineer or architect by the mayor and the judge/executive and one (1) utility official to be appointed jointly by the mayor and judge/executive. All appointments to the joint board must be approved by the appropriate legislative body. All other provisions on this section shall be the same whether the board is for the city, county or joint.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-173. Actions of the examining board.

All actions of the examining board pertaining to adoption of rules to govern inspections of electrical installations, inspection fees, the appointment of electrical inspectors, and the adoption of codes to the locality covered by ordinance, shall be subject to approval by a majority vote of the city council.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-174. Examination of applicants for licensing.

It shall be the duty of the examining board to require examination of all applicants for an electrical contractor or journeyman electricians license upon matters relating to the ability and qualifications of the applicant to engage in the business of electrical contracting or wiring and to grant licenses to qualified applicants after a satisfactory examination. All electrical contractor and journeyman electricians must be examined before being issued a license to engage in their occupation. It shall be the further duty of said board to hear complaints arising against any licensed electrical contractor,

journeyman and apprentice electrician. Said board shall have the authority, after a hearing, to warn, revoke or suspend the license of any electrical contractor, journeyman or apprentice electrician for a violation of the laws of the commonwealth or any ordinances of the Georgetown-Scott County government, relating to electrical construction work; or for incompetence or willful negligence in any electrical work, provided that written notice of a hearing, stating the grounds of complaint, has been given the licensee at least ten (10) days before the hearing.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-175. Classes of licenses.

Three classes of licenses and certificates therefor shall be issued, which shall be designated, respectively, as class A, electrical contractor's license; class B, journeyman's license; class C, apprentice's license.

The term of all licenses shall be from January 1 of the year in which they are issued through December 31 of that same year. Renewal of these licenses must occur no later than January 31 of the year following the expiration of a license. Persons failing to renew on or before that date must reapply and qualify.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-176. Requirements for each license.

Class A electrical contractor:

- (1) The applicant shall show proof of being licensed as a journeyman for a period of not less than two years.
- (2) The applicant must pass an examining board approved electrical contractor's examination.

Class B journeyman's license:

- (1) The applicant must have certification from a licensed electrical contractor show four (4) years of on-the-job training; or
- (2) Must show a certificate of graduation from a state-recognized school for journeyman electricians and
- (3) Must pass an approved journeyman's examination.

In addition to the above requirements, applications for renewal of any class A or class B license shall include proof of compliance with the continuing education requirements contained in section 4-188. Upon said applicant's complying with the above requirements and upon verification that the applicant is in compliance, or has initiated the process to obtain compliance, with the applicable contractor registration requirements as set forth in this section. A license shall be granted.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-177. Exceptions to licensing requirement.

- (a) Public utility companies and corporations engaged in the manufacture or

distribution of electrical energy for commercial purposes, or their employees, shall not be required to obtain licenses for the manufacture, transmission, distribution and metering of electrical energy and all repairs and maintenance connected therewith. Communication and related companies shall not be required to obtain licenses to engage in these activities.

- (b) Any electrical contractor or journeyman who travels into this area and who can document at least five years of experience in the field for which a license is sought shall not be required to be examined prior to being issued a license if the person has been licensed in a jurisdiction which requires an examination as stringent as that required by this article, except an examination may be required in such instances where the board entertains a substantial doubt as to the nature or quality of the applicant's work.
- (c) Any owner/occupant of a single-family dwelling may perform his or her own electrical work.
- (d) In the event of the death of the person carrying the contractor's license for an electrical contracting business, that business shall have 120 days in which to qualify the decedent's successor as a licensed electrical contractor under this article.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-178. Annual license fees.

The annual license fee for class A electrical contractors shall be one hundred dollars (\$100.00), the annual license fee for class B journeyman shall be fifty dollars (\$50.00) and the annual license fee for class C apprentice shall be twenty-five dollars (\$25.00). The class A, class B and class C licenses shall expire December 31 of each year and the examining board shall renew the licenses for a one-year period. Upon the failure of licensee to apply for renewal on or before the thirty-first of January immediately following expiration of the license, the licensee shall be assessed a fee of fifty dollars (\$50.00). Upon the failure of the licensee to apply for renewal within one hundred twenty (120) days after the date of expiration, the licensee shall be required to pass the board's required examination before another license is issued.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-179. Permit for installation or alteration.

- (a) Electrical wiring or equipment shall not be installed nor shall any alteration be made in any existing installation, without first obtaining a permit from the office of electrical inspector division of housing, building, and construction electrical inspection. The application and issuance of said permit is governed by all applicable sections of the state building code, including but not limited to article 27, and by the rules and regulations established by the division of building inspection.
- (b) No temporary service may be connected until a building permit is obtained and paid for.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-180. Enforcement of this article.

The office of the electrical inspector shall, as required by this article, issue permits and licenses and maintain records, as authorized by the examining board of electricians. The electrical inspector office shall enforce regulations and conduct on-site inspections to ensure compliance with this article.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-181. Minimum insurance for contractors.

In accordance with KRS 227.480 all electrical contractors shall maintain commercial general liability insurance in an amount of not less than two hundred fifty thousand dollars (\$250,000.00) and shall place such proof on file with the office of the electrical inspector. Proof of the required minimum insurance coverage shall be filed prior to being issued a contractor's license. To satisfy this insurance requirement, the policy must specifically reflect coverage for the contractor and the electricians working for the contractor.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-182. Appeals board.

There is created a board to be known as the appeals board of electricians. The board shall be composed of three (3) members appointed by the mayor and approved by the council, each of whom shall be qualified in the electrical field. The appeals board shall consist of one division of fire and emergency services official, one electrical contractor, and one electrical engineer or architect. Terms shall be for four (4) years provided that the initial term of one (1) member shall be two (2) years to provide for staggered terms. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.

In the event an ordinance substantially similar to this one is adopted by the Scott Fiscal Court for Scott, in which an appeals board is established, the board described in this section shall be a joint board, serving the city and the county. In this event, the board shall consist of one (1) division of fire and emergency official, one (1) electrical contractor, one (1) consulting electrical engineer or architect and one (1) utility official to be jointly appointed by the mayor and the judge/executive. All appointments to the joint board must be approved by the appropriate legislative body. All other provisions related to the appeals board shall be the same whether the board is for the city, county or joint.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-183. Appeals process.

Any person aggrieved by an order or determination of the examining board of electricians may appeal therefrom to the appeals board of electricians. Said appeal shall be taken by filing written notice thereof with the examining board of electricians within ten (10) days of the entry of the order of determination appealed from. The appeals board of electricians may affirm, reverse or modify any order or determination of the examining board of electricians. Any order or determination of the examining board of electricians shall become final after expiration of time for appeal unless notice of appeal

shall have been filed within said time, in which event said order or determination as affirmed, reversed or modified shall become final upon entry of the decision of the appeals board of electricians.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-184. Authority of electrical inspector and fire chief to disconnect service.

Upon complaint by occupant or request by owner, the electrical inspector shall inspect existing wiring for conformity with the National Electrical Code. Upon finding a code violation which creates a threat of bodily injury or property damage, the electrical inspector shall notify the owner that he or she has thirty (30) days in which to correct the violation. The inspector shall provide reasonable assistance to the owner in effecting the corrections. If at the end of thirty (30) days the owner has not made substantial progress toward the correction of the violations, the inspector, without further notice, may cause the service to the building to be disconnected until corrections are made.

Upon finding a code violation which creates an imminent threat of serious bodily injury or substantial property damage, the electrical inspector may waive the thirty-day period for correction and upon notice to the owner, cause the service to the building to be disconnected until corrections are made. The inspector shall provide reasonable assistance to the owner in effecting the corrections.

The chief of the city fire department, or some other competent person designated by him, shall have the authority, in cases of emergency, to cause the turning off of all electrical currents and to cut or disconnect any wires carrying such electrical currents where there is a danger to life or property or where such wires interfere with the work or progress of the fire department in fighting fires.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-185. Miscellaneous provisions.

The following standards for the construction, alteration and repair of any electrical wiring within the city shall be required, in addition to the requirements of the National Electric Code which are incorporated into the state standards of safety. In the event any of the following provisions have a counterpart in the National Electric Code, the code with the strictest standard shall apply. The local standards are as follows:

- (1) All nonmetallic electric cable shall be secured with plastic staples.
- (2) Nonmetallic electric cable run in the crawlspace of a house shall follow the running boards or be run through holes drilled in the floor joists (pursuant to the standards set out in the state building code).
- (3) The directory on electric panels shall be complete.
- (4) There must be a separate electric disconnect for water heaters, furnaces, air conditioners, garbage disposals and dishwashers. This requirement shall not apply to dishwashers or garbage disposals plugged into a receptacle.
- (5) All service poles, service, mast and trailer services must comply with all

policies of the applicable utility company.

- (6) All service entrances shall be in: rigid metal, intermediate metal, electrical metallic or rigid P.V.C. conduit.
- (7) Temporary service for construction shall be permitted for a period of one hundred eighty (180) days. If construction is incomplete at the conclusion of one hundred eighty (180) days, the temporary service may be renewed for an additional one hundred eighty (180) days upon showing of good cause. Should construction fail to make substantial progress for sixty (60) days, the permit for temporary service may be revoked and the service disconnected and removed.
- (8) Inspections may be requested by contractors or his or her designee.
- (9) All work to be inspected must be completed before inspections are requested.
- (10) Permanent service may be connected only after satisfactory final inspection or a temporary service agreement is executed.
- (11) Rough-in inspections shall be completed before wiring method is concealed.
- (12) Final inspection shall not be requested until after all fixtures and appliances have been installed and connected, except air conditioning units during month of January through March.
- (13) In the event an existing building is rewired (existing wire is replaced with new wire), remodeled (remodeling must result in, at least, a thirty-ampere increase in the service demand of the building) or is given a service upgrade, all wiring, existing and new, must be in accordance with the provisions of the National Electric Code or this article.
- (14) Licensed electrical contractors shall employ only licensed electricians for electrical installations.

Where appropriate, the electrical inspector may waive the above local standards where the manufacturer's specifications and recommendations for a particular material clearly demonstrate that the restriction in the local standards is not necessary.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-186. Penalties.

Any person who violates this article may be fined as set forth in section 1-13 of the Georgetown Code of Ordinances.

Electrical license holders showing recurring patterns of noncompliance may be brought before the board to be re-examined prior to re-issuance of license.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-187. No reduction or assumption of responsibility.

This article shall not be construed to relieve from or lessen the responsibility or

liability of any party owning, operating, controlling or installing any electrical wiring, devices or equipment for damage to person or property caused by any defect therein; nor shall the office of the electrical inspector be held as assuming any liability by reason of the inspections authorized herein or permits of approval issued as herein provided.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-188. Continuing education.

- (a) Effective January 1, 2004, all licensed contractors and journeyman must have completed minimum of six (6) hours of continuing education courses approved by the examining board and the commonwealth department of housing, building and construction each year prior to the renewal of their license.
- (b) Failure to show proof of completion of the continuing education by the holder of a class A or B electrical license shall render that license holder ineligible for the renewal of his or her license until the continuing education hours are completed.
- (c) A holder of class A or B electrical license who fails to obtain the required six (6) hours of continuing education and who had not been required to pass an approved test will be ineligible for the renewal of his or her license until the continuing education hours are completed and the examining board's approved test is passed.
- (d) A person holding a class A or B license may request his or her license be placed into escrow. During the time the license is escrowed, the holder of that license must complete the required six (6) hours of continuing education each year.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Sec. 4-189. Reciprocity with Lexington, Fayette County, Kentucky.

- (a) The county examining board of electricians shall issue appropriate electrical licenses to all who hold bona fide electrical licenses issued by Fayette County. This reciprocal acceptance of Fayette County electrical licenses shall continue until revoked by ordinance. This reciprocal electrical license agreement shall be effective January 1, 2003.
- (b) Any electrical contractor or journeyman who travels into this area and who can document at least five (5) years of experience in the field for which a license is sought shall not be required to be examined prior to being issued a license if the person has been licensed in a jurisdiction which requires an examination as stringent as that required by this article. Except an examination may be required in such instances where the board entertains a substantial doubt as to the nature or quality of the applicant's work.

(Ord. No. 03-001, §§ 1--24, 1-2-03)

Secs. 4-190--4-200. Reserved.

ARTICLE XIII. PROPERTY AND BUILDING NUMBERING SYSTEMS*

***Editor's note:** Ord. No. 91-015, §§ 1--6, adopted Sept. 5, 1991, did not specifically amend the Code; hence, its inclusion herein as Art. XIII, §§ 4-201--40206 was at the discretion of the editor.

Sec. 4-201. Assignment of numbers.

- (a) Each parcel of real estate within the city limits of Georgetown shall be assigned a number consistent with the numbering of adjacent and neighboring properties. Parcels upon which there is located more than one (1) principle building shall have numbers assigned to each building. Buildings within which there are more than one (1) principle use shall be assigned a number for each use.
- (b) All parcels, building and use numbers required under section shall be assigned by the planning and zoning commission in cooperation with the United States Postal Service.

(Ord. No. 91-015, §§ 1, 2, 9-5-91)

Sec. 4-202. Display provisions.

Parcel, building and use numbers shall be at least four (4) inches in height, easily visible from the street and be displayed in close proximity to the principle entrance. All numbers shall be of a contrasting color or materials to the surface on which they are displayed. Numbers required under this article shall not be displayed in text but in Arabic numerals.

(Ord. No. 91-015, § 3, 9-5-91)

Sec. 4-203. Indemnification provisions for premises with entrances on more than one (1) street.

Commercial buildings with entrances, whether for public or private use, opening onto more than one (1) street, shall adequately identify the business in close proximity to the entrance(s) on the secondary street. For the purpose of this section, secondary street shall include any city street, alley or service road.

(Ord. No. 91-015, § 4, 9-5-91)

Sec. 4-204. Grace period; penalty for failure to comply with provisions.

Property owners shall have ninety (90) days from the effective date of this article to comply with its provisions. Failure to comply shall result in a fine of twenty-five dollars (\$25.00) per day of noncompliance.

(Ord. No. 91-015, § 5, 9-5-91)

Sec. 4-205. Enforcement.

Enforcement of this article shall be the responsibility of the police department, the fire department and the building inspection department.

(Ord. No. 91-015, § 6, 9-5-91)

Chapter 4.5 RESERVED*

***Editor's note:** Ord. No. 04-023, § 1, adopted Sept. 2, 2004, repealed Ch. 4.5, consisting of §§ 4.5-1--4.5-6, which pertained to cemeteries and was derived from Ord. No. 99-005, §§ 1, 2, adopted Feb. 4, 1999; Ord. No. 99-008, §§ 1--12, adopted March 4, 1999; and Ord. No. 01-008, adopted June 7, 2001.

Chapter 5 CIVIL RIGHTS*

***State law references:** Civil rights, KRS ch. 344.

Art. I. In General, §§ 5-1--5-15
Art. II. Human Rights Commission, §§ 5-16--5-30
Art. III. Fair Housing, §§ 5-31--5-45

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person because of race, color, religion, national origin, sex or age between forty (40) and seventy (70), or the aiding, abetting, inciting, coercing or compelling thereof.

Financial institution means bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

Housing accommodations includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

Person means one or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, jointstock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, and of its political or civil subdivisions or agencies.

Real estate broker or real estate salesman means an individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

Real estate operator means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the county or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

Real property includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(Ord. No. 79-002, Art. I, 1-4-79)

Cross references: Definitions and rules of construction generally, § 1-2.

State law references: Similar definitions, KRS 344.010.

Secs. 5-2--5-15. Reserved.

ARTICLE II. HUMAN RIGHTS COMMISSION*

***Cross references:** Administration, ch. 2; boards and commissions generally, § 2-196 et seq.

State law references: Local human rights commissions, KRS 344.310.

Sec. 5-16. Membership.

The Georgetown and Scott County Human Rights Commission shall consist of twelve (12) members who shall be appointed on a nonpartisan basis and shall be broadly representative of the financial institutions, real estate businesses, religious groups, human rights groups, and the general public. The mayor and county judge shall appoint the members, to be approved by the city council and fiscal court. Of the first

twelve (12) members appointed, four (4) shall be appointed for one (1) year; four (4) shall be appointed for two (2) years; and four (4) shall be appointed for three (3) years. Subsequent appointments shall be for three (3) years. In the event of incapacity, death or resignation of any member a successor shall be appointed for the member's unexpired term. Members shall be eligible for reappointment. Before making new appointments or any reappointments, the mayor or county judge may request the recommendations of the commission. No elected or appointed city or county official shall be a member of the commission. The members shall serve without compensation.

(Ord. No. 79-002, Art. III, § 1, 1-4-79)

Sec. 5-17. Powers.

The human rights commission is authorized to:

- (1) Receive, initiate, investigate, hear and determine charges of violations of ordinances, orders or resolutions forbidding discrimination adopted by the city and county;
- (2) Compel the attendance of witnesses and the production of evidence before it by the subpoena issued by the county circuit court;
- (3) Issue remedial orders, after notice and hearing, requiring cessation of violations;
- (4) Issue such affirmative orders as in its judgment will carry out the purposes of this chapter;
- (5) Employ an executive director, attorneys, hearing examiners, clerks and other employees and agents;
- (6) Enter into cooperative working agreements with federal or state agencies to achieve the purposes of this chapter;
- (7) In its own discretion or upon request of the city council, fiscal court, or the state commission on human rights refer a matter under its jurisdiction to the state commission on human rights for initial action or review.

(Ord. No. 79-002, Art. III, § 2, 1-4-79)

Sec. 5-18. Enforcement of orders.

The proceeding for enforcement of an order of the human rights commission is initiated by filing a complaint in the circuit court. Copies of the complaint shall be served upon all parties of record. Within thirty (30) days after the filing of the complaint by the human rights commission, or within such further time as the court may allow, the human rights commission shall transmit to the court the original or certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened. The findings of fact of the human rights commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified or setting aside in whole or in part the order of the human rights commission, or remanding the

case to the human rights commission for further proceedings. All such proceedings shall be heard and determined by the circuit court and the court of appeals as expeditiously as possible and with lawful precedence over other matters.

(Ord. No. 79-002, Art. III, § 3, 1-4-79)

Secs. 5-19--5-30. Reserved.

ARTICLE III. FAIR HOUSING*

***Editor's note:** Ord. No. 94-008, §§ 1--15, adopted April 21, 1994 has been codified herein as superseding the provisions in §§ 5-31--5-36 concerning unfair housing practices. Said former sections derived from Ord. No. 79-002, Art. II §§ 1--5, adopted Jan. 4, 1979 and Ord. No. 84-013, § 1, adopted Sept. 6, 1984.

State law references: Unlawful housing practices, etc., KRS 344.360 et seq.

Sec. 5-31. Policy.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.

(Ord. No. 94-008, § 1, 4-21-94)

Sec. 5-32. Definitions.

- (a) *Dwelling* means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.
- (b) *Family* includes a single individual.
- (c) *Person* includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
- (d) *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right [to] occupy premises owned by the occupant.
- (e) *Discriminatory housing practice* means an act that is unlawful under section 5-34, 5-35, or 5-36.

(Ord. No. 94-008, § 2, 4-21-94)

Sec. 5-33. Unlawful practice.

Subject to the provisions of subsection (b) and section 5-37, the prohibitions against discrimination in the sale or rental of housing set fourth in section 5-33 shall

apply to:

- (1) All dwellings except as exempted by subsection (b).
- (2) Nothing in section 5-34 shall apply to:
 - a. Any single-family house sold or rented by an owner, provided, that such private individual owner does not own more than three (3) single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; provided further, that the sale or rental of any such single-family house shall be exempted from the application of this title only if such house is sold or rented (a) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (b) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of section 5-34(3) of this article, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
 - b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:
 - a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - b. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental of any dwelling or any interest therein, or
 - c. He is the owner of any dwelling designed or intended for occupancy by or occupied by, five or more families.

(Ord. No. 94-008, § 3, 4-21-94)

State law references: Similar provisions, KRS 344.360, 344.362.

Sec. 5-34. Discrimination in the sale or rental of housing.

As made applicable by section 5-33 and except as exempted by sections 5-33(2) and 5-37, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or to deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicapped status.
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicapped status.
- (3) To make, print or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicapped status, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicapped status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(Ord. No. 94-008, § 4, 4-21-94)

State law references: Similar provisions, KRS 344.362, 344.365.

Sec. 5-35. Discrimination in the financing of housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying thereof for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 5-33(2).

(Ord. No. 94-008, § 5, 4-21-94)

State law references: Similar provisions, KRS 344.370.

Sec. 5-36. Discrimination in the provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him the terms, or conditions of such access, membership or participation, on account of race, color, religion, sex, national origin, familial status or handicapped status.

(Ord. No. 94-008, § 6, 4-21-94)

Sec. 5-37. Exemption.

Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provided lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. No. 94-008, § 7, 4-21-94)

Sec. 5-38. Administration.

- (a) The authority and responsibility for administering this act shall be in the chief executive officer of the city.
- (b) The chief executive officer may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this article. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.
- (c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this article and shall cooperate with the chief executive officer to further such purposes.

(Ord. No. 94-008, § 8, 4-21-94)

Sec. 5-39. Education and conciliation.

Immediately after the enactment of the this article, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this article and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

(Ord. No. 94-008, § 9, 4-21-94)

Sec. 5-40. Enforcement.

- (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive office. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer required. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (c), the chief executive officer aggrieved [attempts] to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this article without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year.
- (b) A complaint under subsection (a) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- (c) If within thirty (30) days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this article, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the secretary of the department of housing and urban development. The chief executive officer will assist in this filing.
- (d) If the chief executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this article, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin respondent from engaging in such practice or order such affirmative action as may be appropriate.
- (e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- (f) Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance.

Sec. 5-41. Investigations, subpoena--Giving of evidence.

- (a) In conducting an investigation the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and report the testimony or statements of such person as are reasonably necessary for the furtherance of the investigation; provided, however, that the chief executive officer first complies with the provisions of the fourth amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his access to the production of such materials, or the appearance of such persons, any may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The chief executive officer may administer oaths.
- (b) Upon written application to the chief executive officer, a respondent shall be entitled to the insurance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued by the chief executive officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- (c) Witnesses summoned by a subpoena of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall state they were issued at his request.
- (d) Within five (5) days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires a production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- (e) In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.
- (f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made

any false entry or statement of fact in any report, account, record, or other document submitted to the chief executive officer pursuant to his subpoena or other order, or, shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

- (g) The city attorney shall conduct all litigation in which the chief executive officer participates as a part or as amicus pursuant to this article.

(Ord. No. 94-008, § 11, 4-21-94)

Sec. 5-42. Enforcement by private persons.

- (a) The rights granted by sections 5-33, 5-34, 5-35 and 5-36 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred; provided however, that the court shall continue such civil case brought pursuant to this section or section 5-40(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance, or rental consummated to the issuance of any court order issued under the authority of this article, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this article shall not be affected.
- (b) The court may grant as relief, as it seems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than two thousand dollars (\$2,000.00) punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provider, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

(Ord. No. 94-008, § 12, 4-21-94)

Sec. 5-43. Interference, coercion or intimidation.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 5-33, 5-34, 5-35, or 5-36. This section may be enforced by appropriate civil action.

(Ord. No. 94-008, § 13, 4-21-94)

Sec. 5-44. Separability of provisions.

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of the article and the application of the

provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ord. No. 94-008, § 14, 4-21-94)

Sec. 5-45. Prevention of intimidation in fair housing cases.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (1) Any person because of his race, color, religion, sex, national origin, familial status or handicapped status, and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation, or facility relating to the business of selling or renting dwellings; or
- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - a. Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or handicapped status in any of the activities, services, organizations or facilities described in subsection 5-45a.
 - b. Affording another person or class of persons opportunity or protection so to participate; or
- (3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organization or facilities described in subsection 5-45(1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both; and if bodily injury results shall be fined not more than ten thousand dollars (\$10,000.00), or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. No. 94-008, § 15, 4-21-94)

Chapter 6 DISASTER AND EMERGENCY PREPAREDNESS*

***Cross references:** Administration, ch. 2; fire prevention and protection, ch. 7; flood prevention, ch. 8.

State law references: Disaster and emergency services management, KRS ch. 39.

Art. I. In General, §§ 6-1--6-10

Art. II. Hazardous Materials, §§ 6-11--6-20

ARTICLE I. IN GENERAL

Sec. 6-1. Definition.

For the purpose of this chapter, "disaster and emergency response" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from fire, flood, tornado, other natural or man caused disasters, riot, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies or other causes, and the threatened or impending happening of any of the above, and in order to insure that preparations and response for this state will be adequate to deal with disaster or emergencies or the threat of the same. These functions include, without limitation, fire fighting services, police services, medical and health services, ambulance service, rescue, search and rescue, engineering, warning services, communications, radiological, chemical and other monitoring, decontamination and neutralization, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to effective reaction to a disaster or emergency situation, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

(Code 1966, § 38.51)

Cross references: Definitions and rules of construction generally, § 1-2.

State law references: Similar provisions, KRS 39.401.

Sec. 6-2. Director.

There is hereby created the office of director of the local organization for disaster and emergency response. The director shall be appointed jointly by the mayor and county judge, and shall have direct responsibility for the organization, administration and operation of such local organization, subject to the direction and control of the mayor and county judge. During periods of emergency he shall direct the activities hereunder.

(Code 1966, § 38.52)

Secs. 6-3--6-10. Reserved.

ARTICLE II. HAZARDOUS MATERIALS*

***Editor's note:** Ord. No. 96-017, §§ I--X, adopted July 18, 1996, was nonamendatory of the Code; hence, inclusion herein as Art. II of ch. 6 was at the discretion of the editor.

Sec. 6-11. Purpose.

This article is adopted by the city council for the purpose of protecting public health/safety and the environment in Scott County, Kentucky, through timely response and remediation efforts by properly trained individuals for incidents requiring action by

existing/future local, state and/or federal requirements.

This article also provides a mechanism for local agencies to recoup response costs from persons responsible for the release.

(Ord. No. 96-017, § I, 7-18-96)

Sec. 6-12. Applicability.

Pursuant to authority of K.R.S. 67.083(7), the provisions of this article shall apply to all persons who manufacture, use, store, or transport hazardous materials within the city when in the event of an unauthorized release of a hazardous material:

- (1) In which the safety of local residents and/or irreversible damage to the environment is imminent without immediate action; and,
- (2) The responsible party has refused to act in a reasonable time or the responsible party is not known through existing reporting or record keeping requirements; and
- (3) The responsible party would be required by existing local, state, and/or federal regulation(s) to report, contain and remediate the hazardous material release (cause a release of a "reportable quantity" (RQ) of a hazardous material).

(Ord. No. 96-017, § II, 7-18-96)

Sec. 6-13. Definitions.

Authorized release means a release of hazardous materials in accordance with an appropriate permit granted by a local, state or federal agency having primary jurisdiction over such release.

Consumer product shall have a meaning stated in 15 U.S.C. 2052.

Costs shall mean and include all expenses incurred by local government and/or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to costs incurred for personnel, equipment and the use thereof, materials, supplies, services, damage or loss of equipment, both organization and personal, and related expenses resulting directly from response to a release or threatened release of a hazardous material;

Employee means any person who works, with or without compensation, in a workplace;

Employer means any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing services which has employees;

Environment means the navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling

only wastewater generated at a facility) within the city. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this article.

Facility means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment container), tank, motor vehicle, truck trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located. Consumer products in consumer use and vessels are not included;

Hazardous materials means any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A., Sec. 1801, et seq.) or is listed by Appendix A, 40 CFR Part 302, "List of Hazardous Materials and Reportable Quantities," as amended, published by the U.S. Environmental Protection Agency (EPA), and herein incorporated by reference the same as if set out at length herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed;

Normal application of pesticides means application pursuant to the label directions for application of a pesticide product registered under Section 30 or Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 135 et seq.) (FIFRA), or pursuant to the terms and conditions of an experimental use permit issued under Section 5 of FIFRA, or pursuant to an exemption granted under Section 18 of FIFRA.

Oil means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

Release means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that hazardous materials or any constituent thereof may enter the environment. The term shall not apply to:

- (1) With respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace,
- (2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine, and
- (3) The normal application of fertilizers and pesticides;

Person means any individual, business, firm, partnership, corporation, consortium, association, trust, joint stock company, cooperative, joint venture, city, county, city or county special district, the state or any department, agency or political subdivision thereof, the United States government, or any other commercial or legal entity;

Remedial Action means any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened

release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, on site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment;

Removal means the cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed material, or the taking of such actions as may be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons.

Reportable quantity means that quantity:

- (1) Listed hazardous materials: The quantity appearing in column RQ for each hazardous material listed in:
 1. "List of Hazardous Materials and Reportable Quantities," 40 CFR Part 302, as amended,
 2. "Extremely Hazardous Substances," designated in 40 CFR Part 355 under SARA Title III.
- (2) Petroleum or petroleum products: The reportable quantities are twenty-five (25) gallons or more of a petroleum product within a twenty-four hour period and seventy-five (75) gallons or more of diesel fuel in a twenty-four (24) hour period or any amount that creates a visible sheen on surface waters.
- (3) Releases to sanitary sewer system: Notwithstanding any other provision of this section, any release of a hazardous material to a sanitary sewer system which is prohibited under applicable pretreatment or other regulations of the city sewer use ordinance or other sewer system operating in the city shall be deemed to be released in reportable quantities.

Response means any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment;

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(Ord. No. 96-017, § III, 7-18-96)

Sec. 6-14. Prohibited acts.

- (a) *Notice upon discovery:* When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity hereinbefore established for such material occurs or is imminent on any facilities of any kind within the city, the person in charge of such facilities, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof to the Georgetown/Scott County Emergency Communications Center.
- (b) *Emergency telephone number:* The notice required to be given by this section may be given by telephoning 911 (or such emergency telephone number as may be subsequently designated). This one call will meet the requirements for notification of local agencies (LEPC, Fire Department with jurisdiction, Local DES, Ambulance Service, etc. as required).
- (c) *Duty to control releases:* The notice required to be given by this section shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control such release prior to or subsequent to such notice to the emergency communication center, especially if such efforts may result in the containment of the release and/or the abatement of any hazard to life and/or property.
- (d) *Duty to report to other agencies:* No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.

(Ord. No. 96-017, § IV, 7-18-96)

Sec. 6-15. Administering agency.

The purpose of this article is to establish a uniform county-wide program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government through protocols and standard operating procedures.

(Ord. No. 96-017, § V, 7-18-96)

Sec. 6-16. Response authority.

- (a) The Georgetown/Scott County Disaster and Emergency Services Operation (DES) shall have authority to coordinate response to any release or threatened release of hazardous materials in the city.
- (b) The fire chief of the jurisdiction in which such release or threatened release is located shall have primary authority for taking remedial or removal actions necessary to control or contain such release or threatened release and to assure the protection of human health, property and the environment. The role of DES is to give technical advice and assistance to the fire chief.
- (c) DES or the fire chief shall immediately report any release or threatened release to the executive authority of the jurisdiction (e.g., county judge/executive or his administrative assistant, mayor, city administrative officer, city coordinator) if

Section 6-12(2) of this article applies. If in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction (county judge/executive or mayor) shall declare the existence of a state of emergency in the jurisdiction, and thereafter, the response authority provided by this section shall then be vested in such chief executive officer. In such event, the chief executive officer may authorize DES, the fire chief, or other appropriate person to exercise all or part of the response authority provided by this section until further notice.

- (d) All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, the fire chief, DES, or other person then exercising response authority under this section until such time as the person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state or federal agency having primary jurisdiction over such release or threatened release.
- (e) The person exercising response authority under this section shall coordinate and/or cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to a release or threatened release of hazardous materials.
- (f) The person exercising response authority under this section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services and other properties found lacking and needed for the protection of human health, property and the environment and obligate the jurisdiction for the fair value thereof.

(Ord. No. 96-017, § VI, 7-18-96)

Sec. 6-17. Liability for costs.

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal or other remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

- (1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;
- (2) Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;
- (3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release of hazardous materials;
- (4) Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

(Ord. No. 96-017, § VII, 7-18-96)

Sec. 6-18. Authorized release.

There shall be no liability under this article for any release permitted by local, state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment; or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements, or ordinances of the jurisdiction in which such release occurs.

(Ord. No. 96-017, § VIII, 7-18-96)

Sec. 6-19. Contractual indemnification--Subrogation.

- (a) No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this article. Nothing in this section shall bar any arrangements to insure, hold harmless or indemnify a party to such agreement for any liability under this article.
- (b) Nothing in this section, including the provisions of subsection (a) above, shall bar a cause of action that an owner or operator or any other person subject to liability under this article, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(Ord. No. 96-017, § IX, 7-18-96)

Sec. 6-20. Disclaimer of liability.

This article shall not create liability on the part of the administering agency or on the part of the response authority for any damages that result from reliance on this article or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this article, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.

(Ord. No. 96-017, § X, 7-18-96)

Chapter 7 FIRE PREVENTION AND PROTECTION*

***Cross references:** Fire department, § 2-136 et seq.; alarm systems, ch. 2.5; building and building regulations, ch. 4; disaster and emergency preparedness, ch. 6; bonfire, § 10-5.

State law references: Fire prevention and protection, KRS ch. 227.

Art. I. In General, §§ 7-1--7-15
Art. II. Fire Safety Standards, §§ 7-16--7-35
Art. III. Explosives, §§ 7-36--7-50
Art. IV. Firelanes, §§ 7-51--7-62

ARTICLE I. IN GENERAL

Sec. 7-1. Regulation of open fires.

- (a) *Purpose.* The purpose of this ordinance is to provide for the issuance of permits for the burning of suitable materials under safe conditions consistent with the provisions, below.
- (b) *Permit issuance.* No person shall ignite an open fire without having first obtained a permit from the local office of fire marshall or the chief of the fire department or his or her designee. Open fire is defined as the burning of any material that results in the products of combustion being emitted directly into the ambient air without passing through a chimney or stack. The permit issued for such a fire shall contain the conditions under which the fire shall be started, maintained and extinguished.

The city shall charge an open fire permit fee of fifty dollars (\$50.00), to defray the cost of administering the provisions of this section.

- (c) *Performance standards.* All open fires shall conform to the following standards:
 - (1) No fire shall be started within fifty (50) feet of any structure. This distance may be extended by the permit issuing official in the event the proposed fire is upwind of the threatened structure;
 - (2) No fire shall be started within one hundred fifty (150) feet of any woodlands;
 - (3) The permit holder or person designated on the permit shall be present at all times from the ignition of the open fire until it is extinguished;
 - (4) Number 1 or 2 diesel fuel and paper are the only permitted accelerants;
 - (5) The official issuing the permit shall consider the fire's content, location, weather conditions, immediate area, method of extinguishing, persons available at site and the experience of the person[s] available. Based upon these factors, the issuing officer shall determine the size of the fire;
 - (6) The permit shall be maintained on site at all times until the fire is extinguished;
 - (7) The official issuing the permit, any law enforcement official and any fire fighting officer are authorized to order the open fire extinguished at any time he or she believes the fire poses a threat to persons or property;
 - (8) No one shall commence burning prior to three (3) hours after sunrise. Burning shall be completed on the same day as started, no later than three (3) hours prior to sunset;
 - (9) The smoke produced by the fire shall not be allowed to cross any road,

- street, drive or highway at such height that motorists' visibility is affected;
- (10) Brush or other approved waste must be generated or produced on the property on which the permitted fire is requested;
 - (11) All applicable regulations of the natural resources cabinet shall be observed;
 - (12) The following materials shall not be permitted in any open fire:
 - a. Household solid waste;
 - b. Tires;
 - c. Petroleum products;
 - d. Putrescible waste;
 - e. Hazardous waste;
 - f. Construction and demolition waste, except untreated wood;
 - g. Municipal solid waste;
 - h. Treated wood;
 - i. Furniture and carpeting;
 - j. Electrical wiring;
 - k. Appliances;
 - l. Animal carcasses;
 - m. Pesticides, herbicides, or other toxic compounds;
 - n. Aerosol cans;
 - o. Plastics; and
 - p. Any other material, the burning of which under the applicable circumstances, constitutes a threat to the public safety.

(Ord. No. 99-013, §§ 1--3, 5-20-99)

Sec. 7-2. Hydrant fee.

- (a) *Establishment of hydrant fee.* A fee for fire hydrants shall be charged of all customers, within the area of the city served by KyAm (the Kentucky American Water Company). This fee shall cover all costs related to the maintenance of fire hydrants within the KyAm service area. Related costs shall include the city's cost of administering the collection of the fee and the required remittance to KyAm in satisfaction of all fire hydrant service charges levied for the provision and maintenance of fire hydrants within the KyAm service.
- (b) *Calculation of hydrant fee.* The fire hydrant fee to be charged customers of the KyAm service area shall be calculated as follows:
 - (1) The KyAm annual service charge per hydrant times the number of hydrants in the KyAm service area yields the amount to be collected from

the benefitted residents. The number of hydrants used in this calculation shall be the actual number of hydrants in service plus that number reasonably anticipated for installation during the coming year;

- (2) The amount determined in paragraph (1) above, times one hundred fifteen (115) percent, yields the total income the city must receive to cover the service charge for all hydrants anticipated during the year in which the established fee is to be collected, the expense of administering the collection and payment of funds under this section, additional funds necessary to offset income lost due to nonpayment of fee and interim rate increases. In the event the actual experience reveals that one hundred fifteen (115) percent of the KyAm service charge is not sufficient to cover the actual costs described above, the city, upon documentation of the insufficiency, may establish the total required income under this paragraph at greater than one hundred fifteen (115) percent of the amount determined in paragraph (1) above;
 - (3) The amount determined in paragraph b., above, divided by the number of customers yields the annual amount to be collected from each customer in the KyAm service area;
 - (4) The amount determined in paragraph (3), above, divided by twelve (12) yields the monthly payment to be collected from each customer.
- (c) *Annual review of hydrant fee.* On or before January 1 of each succeeding year after the effective date of the hydrant fee, the city shall review the fee calculated under subsection (b) above, making such adjustments as are necessary to maintain the fee at one hundred fifteen (115) percent of that amount required to cover the anticipated annual cost of the KyAm service fee for fire hydrants, subject to the provisions of subsection (b)(2).
- (d) *Responsibility for hydrant service charge.* The initial responsibility for the service charge for KyAm hydrants shall rest with the person or entity with whom KyAm contracted for the installation of the hydrant. Hydrants which are installed as part of the public fire protection service shall be installed pursuant to approved development plans or subdivision plats and dedicated to the city's use as part of the public fire protection service.

The city's acceptance of the dedication shall occur at such time as the public improvements, of which the hydrant is part, are installed according to the approved plan pursuant to the provisions of KRS 100.277(4). The city shall assume responsibility for the KyAm service fee upon acceptance of the dedication (e.g. a developer will be responsible for the cost of the hydrant until he or she has installed all public improvements according to a planning commission approved plan or plat. Upon acceptance of the installed hydrant into the public fire protection system, the city shall assume responsibility for hydrant payments to KyAm.)

- (e) *Responsibility of Kentucky American Water Company.* The Kentucky American Water Company shall cooperate with the city in the provision of all necessary information related to the location and number of KyAm fire hydrants within the city's limits and the number and location of KyAm's customers. KyAm shall include the city's fire hydrant fee on its water bill to customers within the city's boundaries. KyAm shall remit to the city all hydrant fee payments collected. The remittance of these payments shall be on or before the tenth day of each month.

- (f) *Commencement of hydrant fee payments.* The KyAm customers' monthly hydrant payments shall commence upon the completion of the following:
- (1) The calculation of the city's fee as provided above;
 - (2) Notification to KyAm of the amount to be collected;
 - (3) The inclusion of the amount to be collected on the KyAm customer water bill; and
 - (4) If necessary, approval by the public service commission of the inclusion of the city's fee on the KyAm customer water bill.

(Ord. No. 99-045, § 1--6, 11-18-99)

Secs. 7-3--7-15. Reserved.

ARTICLE II. FIRE SAFETY STANDARDS

Sec. 7-16. Adoption of Kentucky Standards of Safety.

The Kentucky Standards of Safety (Fire Prevention Code) as promulgated in 815 KAR 10:040 by the commissioner of the department of housing, buildings and construction on the advice and recommendation of the state fire marshal, is hereby adopted in full as an ordinance for the city. Copies of the code book are available through the department of housing, buildings and construction, 1047 U.S. 127 South, Frankfort, Kentucky 40601.

(Ord. No. 90-031, § 1, 12-13-90)

Editor's note: Ord. No. 90-031, § 1, adopted Dec. 13, 1990, amended §§ 7-16--7-19 to read as herein set out. Prior to inclusion of said ordinance, §§ 7-16--7-19 pertained to similar subject matter and derived from Ord. No. 83-003, §§ 2, 3, adopted March 3, 1983.

Sec. 7-17. Adoption of National Fire Codes.

The National Fire Codes, 1990 Edition, a copy of which is on file in the office of the chief of the city fire department is hereby adopted in full as an ordinance for the city, said ordinance being incorporated herein by this reference.

(Ord. No. 90-03, § 2, 12-13-90)

Note: See the editor's note at § 7-16.

Sec. 7-18. Designated enforcement officer.

The fire chief shall be designated as the local enforcement agent for the above Standards of Safety and the National Fire Codes, 1990, as appointed by the city.

(Ord. No. 90-031, § 3, 12-13-90)

Note: See the editor's note at § 7-16.

Sec. 7-19. Permits and fees.

The requirements for permits and required fees shall be provided for, from time to time, in ordinances duly adopted by the city council.

(Ord. No. 90-031, § 4, 12-13-90)

Note: See the editor's note at § 7-16.

Sec. 7-19.1. Appeal process.

All final decisions of the fire code official of Georgetown shall be appealable to a local appeals board pursuant to the procedures adopted by the city.

(Ord. No. 90-031, § 5, 12-13-90)

Note: See the editor's note at § 7-16.

Sec. 7-20. Violations.

Any person who violates any provision of KRS 227.200 to KRS 227.400 or any provision of a lawful order, rule or regulation made under the provisions of KRS 227.200 to KRS 227.400 or induces another to violate any provisions of KRS 227.200 to KRS 227.400 or any lawful order, rule or regulation made thereunder, shall be guilty of a misdemeanor. The imposition of the penalties prescribed in this Code shall not preclude the city from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

(Code 1966, § 156.99)

Secs. 7-21--7-35. Reserved.

ARTICLE III. EXPLOSIVES

Sec. 7-36. Authority and scope.

- (a) This article shall apply to the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents.
- (b) This article shall not apply to:
 - (1) Explosives or blasting agents while in the course of transportation via railroad, water, highway or air when the explosives or blasting agents are moving under the jurisdiction of, and in conformity with, regulations adopted by any federal or state department or agency;
 - (2) The transportation and use of explosives or blasting agents in the normal and emergency operation of state or federal agencies nor to municipal fire and police departments, providing they are acting in their official capacity and in the proper performance of their duties;

- (3) Small arms ammunition and components therefor, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44, U.S. Code) and regulations promulgated thereunder;
- (4) Blasting standards KRS 351.315, 351.330, and 351.335 and Regulations 805 KAR 4:010 through 4:060;
- (5) Explosives or blasting agents being used on the site of federal or state projects.

(Ord. No. 76-011, §§ 1.01, 1.02, 7-15-76)

Sec. 7-37. Storage, transportation and use.

All activities within the scope of this article shall conform to the regulations of the state department of mines and minerals, 805 KAR 4:070 through 4:080 and 805 KAR 4:090 through 4:145 (E&B R900 through 914).

(Ord. No. 76-011, § 2.01, 7-15-76)

Sec. 7-38. Blasting permits.

- (a) No person shall conduct a blasting operation within the city without first obtaining a permit from the clerk-treasurer.
- (b) The fee for a blasting permit or permit renewal shall be fifteen dollars (\$15.00).
- (c) No person shall be issued a permit to blast on public property unless the person to be in charge of the blasting holds a valid state blaster's license.
- (d) No person shall be issued a permit to blast on private property with more than five (5) pounds of explosives unless the person in charge of the blasting holds a valid state blaster's license.
- (e) The blasting permits shall specify the location of the blasting to be permitted.
- (f) If a project is not completed, blasting permits must be renewed annually upon the applicant's payment of the renewal fee.
- (g) A permit allowing blasting shall be issued upon application but, on public property, shall not become valid until seven (7) days after its issuance.
- (h) If unanticipated blasting is required, the permit may become valid as soon as the clerk-treasurer notifies all required agencies.
- (i) On any contract issued by an agency of the city, blasting permits shall be issued by the clerk-treasurer unless otherwise specified in the contract.
- (j) False statements, made for the purpose of obtaining a permit, shall render the permit null and void from the time of issue.
- (k) Copies of the blasting permit shall be distributed by the clerk-treasurer to the following required agencies: fire department, chief of police and building official.

(Ord. No. 76-011, §§ 3.01, 3.11, 7-15-76)

Sec. 7-39. Manufacture and sale.

(a) No person shall operate a business establishment where explosives are maintained for the sale, or manufacture for sale, of explosives in the city without first obtaining a permit from the clerk-treasurer.

(b) The fee for this permit is thirty-five dollars (\$35.00).

(Ord. No. 76-011, §§ 4.01, 4.02, 7-15-76)

Secs. 7-40--7-50. Reserved.

ARTICLE IV. FIRE LANES*

***Editor's note:** Ord. No. 88-013, §§ 1--12, adopted May 19, 1988, did not specifically amend the Code; hence, its inclusion herein as ch. 7, Art. IV, §§ 7-51--7-62 was at the discretion of the editor. Sections 13 and 14, dealing with separability and effective date, have been omitted from codification.

Sec. 7-51. Required.

Firelanes shall be required in accordance with the provisions of this article on private property used for assembly, commercial, education, industrial, institutional, or multifamily dwelling purposes, and on private property containing two (2) or more dwellings to which access is provided by private roads or driveways. No proposed subdivision or planned unit development shall be approved without compliance with the terms of this article, if any part of the area being subdivision contains any of the uses or conditions described in this section.

(Ord. No. 88-013, § 1, 5-19-88)

Sec. 7-52. Defined.

A firelane is a part of a public lot, a private road or private parking lot which is designed to provide access for fire trucks to any building or other location.

(Ord. No. 88-013, § 2, 5-19-88)

Sec. 7-53. Subdivision plats shall show compliance.

Each application for approval of a plat of a subdivision shall contain sufficient information to show compliance with this article, unless there is no location within the proposed subdivision where a firelane is required under the terms of this article.

(Ord. No. 88-013, § 3, 5-19-88)

Sec. 7-54. Duties of the chiefs of fire and police.

All plans submitted under this article shall be referred to the chiefs for examination. The chiefs shall report to the planning commission staff, indicating whether the proposed plan complies with this article. If the chiefs find that the proposed firelanes

contained in the plan do not comply with this article, they shall specify the changes needed for compliance. These changes shall be submitted to the planning commission staff, who shall work with the chiefs to resolve any differences between the chiefs' suggested changes and the proposals of the applicant.

(Ord. No. 88-013, § 4, 5-19-88)

Sec. 7-55. Location.

Firelanes shall be located where necessary to provide fire protection to all buildings and premises, including not only buildings and premises on the land where the firelane is located, but also any buildings or premises on adjacent land which require the service of firelanes.

(Ord. No. 88-013, § 5, 5-19-88)

Sec. 7-56. Specifications.

Firelanes shall be at least twenty (20) feet wide at any point. Curves and corners shall be wide enough to permit passage by any fire equipment owned by the city or any other fire equipment in common use. The surface of the firelane shall be an all-weather surface of the firelane shall be an all-weather surface of sufficient strength to support all firefighting equipment.

(Ord. No. 88-013, § 6, 5-19-88)

Sec. 7-57. Parking prohibited.

No parking shall be permitted in firelanes. No parking shall be permitted in any location which would prevent access to any firelane by firefighting equipment. The owner of the property containing a firelane shall have the word "Firelane" clearly marked on the pavement in safety yellow. The owner of the property shall also install appropriate signs indicating the presence of the firelane and the prohibition of parking at any time.

(Ord. No. 88-013, § 7, 5-19-88)

Sec. 7-58. Snow and ice removal.

The property owner shall remove all snow and ice from the firelane as soon as possible after the snow and ice begin to accumulate.

(Ord. No. 88-013, § 8, 5-19-88)

Sec. 7-59. Standing water.

Firelanes shall be designed and built so that water shall not stand in the firelane at any time.

(Ord. No. 88-013, § 9, 5-19-88)

Sec. 7-60. Existing firelanes.

The list of existing firelanes is attached and incorporated herein by this reference,

as if set out in full. All of the firelanes set out in the attached list shall be posted as provided above within thirty (30) days of the receipt of written notice of this requirement. Notice shall be delivered by the police or fire departments.

(Ord. No. 88-013, § 10, 5-19-88)

Sec. 7-61. Establishment of firelanes on existing properties.

The chiefs shall review the schedule of firelanes, on at least an annual basis, to determine whether additional firelanes are needed for the adequate protection of the citizens. Upon the determination that a particular firelane is needed. The chiefs shall give written notice of their recommendation to the council. Within thirty (30) days of the notice, the council shall review the recommendation. Upon approval, the recommended firelane shall be added to the schedule of firelanes. Written notice of new designation shall be delivered to the property owner, who shall have thirty (30) days to comply with the provisions of this article.

(Ord. No. 88-013, § 11, 5-19-88)

Sec. 7-62. Penalties.

Any person or firm, violating the provisions of this article shall be fined ten dollars (\$10.00) for each offense. Each day in which a violation occurs or continues shall constitute a separate offense.

(Ord. No. 88-013, § 12, 5-19-88)

Chapter 8 FLOOD PREVENTION*

***Editor's note:** Ord. No. 87-009, Arts. I--V, adopted August 6, 1987, has been treated as superseding the provisions of former ch. 8, §§ 8-1--8-12, §§ 8-31--8-34, and §§ 8-51--8-54. Former ch. 8 was concerned with similar provisions.

Cross references: Buildings and building regulations, ch. 4; disaster and emergency preparedness, ch. 6; streets, sidewalks and other public places, ch. 15; subdivision regulations, ch. 16; zoning, ch. 20.

State law references: Flood control generally, KRS ch. 104; city flood control systems, KRS 104.030.

Art. I. In General, §§ 8-1--8-30
Art. II. Administration, §§ 8-31--8-50
Art. III. Standards, §§ 8-51--8-55

ARTICLE I. IN GENERAL

Sec. 8-1. Statutory authorization.

The legislature of the state has in K.R.S. 83A.130 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health,

safety and general welfare of its citizenry. Therefore, the council of the city does ordain as follows in this chapter.

(Ord. No. 87-009, Art. I, § A, 8-6-87)

Sec. 8-2. Findings of fact.

- (a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(Ord. No. 87-009, Art. I, § B, 8-6-87)

Sec. 8-3. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. No. 87-009, Art. I, § C, 8-6-87)

Sec. 8-4. Objectives.

The objectives of this chapter are to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood-control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood-blight areas; and
- (7) Ensure that potential home buyers are notified that property is in a flood area.

(Ord. No. 87-009, Art. I, § D, 8-6-87)

Sec. 8-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal means a request for a review of the building inspector's interpretation of any provision of this chapter or a request for a variance.

Area of shallow flooding means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means any structure built for support, shelter or enclosure for any occupancy or storage.

Coastal high hazard area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zones V1--30, VE or V.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waves;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Mangrove stand means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one

hundred eighty (180) consecutive days or longer and intended to be improved property.

Mean sea level means the average height of the sea for all stages of the title. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means structures for which the "start of construction" commenced on or after the effective date of this chapter.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

Variance is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(Ord. No. 87-009, Art. II, 8-6-87)

Sec. 8-6. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Ord. No. 87-009, Art. III, § A, 8-6-87)

Sec. 8-7. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance rate map, FIRM 210208, dated February 4, 1981, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(Ord. No. 87-009, Art. III, § B, 8-6-87)

Sec. 8-8. Compliance.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. No. 87-009, Art. III, § D, 8-6-87)

Sec. 8-9. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 87-009, Art. III, § E, 8-6-87)

Sec. 8-10. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 87-009, Art. III, § F, 8-6-87)

Sec. 8-11. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 87-009, Art. III, § G, 8-6-87)

Sec. 8-12. Violations.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 87-009, Art. III, § H, 8-6-87)

Secs. 8-13--8-30. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 8-31. Designation of building inspector.

The building inspector is hereby appointed to administer and implement the provisions of this chapter.

(Ord. No. 87-009, Art. IV, § A, 8-6-87)

Sec. 8-32. Duties and responsibilities of the building inspector.

Duties of the building inspector shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this chapter have been satisfied.
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the division of water, floodplain management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 8-32(2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to

which the new or substantially improved structures have been floodproofed, in accordance with section 8-32(2).

- (7) In coastal hazard areas, certification shall be obtained from a registered professional engineer or architect that the structures is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
- (8) In coastal high hazard areas, the building inspector shall review plans for adequacy of breakaway walls in accordance with section 8-52(5)(h).
- (9) When floodproofing is utilized for a particular structure, the building inspector shall obtain certification from a registered professional engineer or architect, in accordance with section 8-52(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When base flood elevation data or floodway data have not been provided in accordance with section 8-7, then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article III.
- (12) All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector and shall be open for public inspection.

(Ord. No. 87-009, Art. IV, § B, 8-6-87)

Sec. 8-33. Development permit--Established.

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(Ord. No. 87-009, Art. III, § C, 8-6-87)

Sec. 8-34. Same--application procedures.

Application for a development permit shall be made to the building inspector on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) *Application stage.*
 - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

- b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
 - c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in section 8-52(2); and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (2) *Construction stage.* Provide a floor elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. No. 87-009, Art. IV, § C, 8-6-87)

Sec. 8-35. Variances.

The variance procedures shall be as follows:

- (1) The board of adjustment as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the building inspector in the enforcement or administration of this chapter.
- (3) Any person aggrieved by the decision of the board of adjustment or any taxpayer may appeal such decision to the Scott Circuit Court, as provided in K.R.S. 100.347.
- (4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures

set forth in the remainder of this section, except for subsection (8)(a) and (d) of this section, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

- (5) In passing upon such applications, the board of adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (6) Upon consideration of the factors listed above, and the purposes of this chapter, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as

not to destroy the historic character and design of the building.

- b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structures is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- d. The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. No. 87-009, Art. IV, § D, 8-6-87)

Secs. 8-36--8-50. Reserved.

ARTICLE III. STANDARDS

Sec. 8-51. General standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(Ord. No. 87-009, Art. V, § A, 8-6-87)

Sec. 8-52. Specific standards.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in section 8-7 or section 8-34(11), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of section 8-52(3).
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or nonresidential structure shall have the lowest floor, including basement, elevated to no lower than one foot above the level of the base flood elevation. Structures located in all A zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 8-32(3).
- (3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by the foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot

above grade; and

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Electrical, plumbing and other utility connections are prohibited below the base flood elevation.
 - c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (4) *Floodways.* Located within areas of special flood hazard established in section 8-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
- a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - b. If section 8-52(4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article III.
 - c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 8-52(1) are met.

(Ord. No. 87-009, Art. V, § B, 8-6-87)

Sec. 8-53. Standards for streams without established base flood elevations and/or floodways.

Located within the areas of special flood hazard established in section 8-7, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to one-half (1/2) times the width of the stream at the top of the bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such

encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (2) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with section 8-52.

(Ord. No. 87-009, Art. V, § C, 8-6-87)

Sec. 8-54. Standards for subdivision proposals.

The following provisions shall apply to subdivision proposals:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres.

(Ord. No. 87-009, Art. V, § D, 8-6-87)

Sec. 8-55. Standards for areas of shallow flooding (AO zones).

Located within the areas of special flood hazard established in section 8-7 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lower floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential structures shall:
 - a. Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or
 - b. Together with attendant utility and sanitary facilities be completely

floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(Ord. No. 87-009, Art. V, § E, 8-6-87)

Chapter 9 NUISANCES*

***Cross references:** Keeping of noisy animals, § 3-4; nuisance regulations for waste collection and disposal, § 19-23.

State law references: Nuisance abatement, KRS 381.770.

Art. I. In General, §§ 9-1--9-20
Art. II. Noise, §§ 9-21--9-24

ARTICLE I. IN GENERAL

Sec. 9-1. Common law and statutory nuisances.

In addition to what is declared in this chapter and Code to be a public nuisance, those offenses which are known to the common law and statutes of the state as public nuisances may, in case any thereof exist within the city limits, be treated as such and be proceeded against as is provided in this chapter and Code, or in accordance with any other provisions of law. Wherever the word "nuisance" is used in this chapter it refers to a public nuisance.

(Code 1966, § 90.1)

Sec. 9-2. Certain conditions declared to be nuisances.

The following conditions are hereby declared to be a public nuisances and are prohibited:

- (1) *Dwellings unfit for human habitation.* The erection, use or maintenance of a dwelling which is unfit for human habitation. A "dwelling" shall include any part of any building or its premises used as a place of residence or habitation or for sleeping by any person. A dwelling is "unfit for human habitation" when it is dangerous or detrimental to life or health because of want of repair, defects in drainage, plumbing, lighting, ventilation or construction, infection with contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.
- (2) *Dangerous buildings adjoining streets.* There is caused or suffered any building, house or structure to become so out of repair and dilapidated that, in the condition it is permitted to be and remain, it shall, if such condition is suffered to continue, endanger the life, limb or property of, or

cause hurt, damage or injury to persons or property using or being upon the streets or public ways of the city adjoining such premises, by reason of the collapse of such building, house or structure or by the falling of parts thereof or of objects therefrom.

- (3) *Dangerous trees, stacks, etc., adjoining street.* There is caused or suffered any tree, stack or other object to remain standing upon such premises in such condition that it shall, if the condition is suffered to continue, endanger the life, limb or property or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.
- (4) *Dilapidated buildings.* There is caused or suffered any building, house or structure to become so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire because of its condition and lack of repair, or that due to lack of adequate maintenance or neglect it endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.
- (5) *Accumulation of rubbish.* There is caused or suffered such an accumulation on any premises of filth, refuse, trash, garbage or other waste material that it endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents or insects, or its blowing into any street, sidewalk or property of another. It shall be the duty of persons owning or being in charge of those business establishments whose patrons purchase goods or services from their automobiles, commonly known as "drive-ins," to furnish sufficient covered receptacles for the deposit of wastes created in the operation of such business and to clean up such wastes as are not deposited in receptacles at the close of business of each day (or if such business operates continuously, at least once each day) and at such other times when weather conditions are such that waste from the operation of such business is being blown to adjoining premises.
- (6) *Noxious odors or smoke.* There emits from premises into the surrounding atmosphere such odors, dusts, smoke or other matter as to render ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.
- (7) *Reserved.*
- (8) *Open wells.* There is caused or suffered the maintenance of any open or uncovered, or insecurely covered, cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place.
- (9) *Trees and shrubbery obstructing streets and sidewalks.* There is caused or suffered the growing and maintenance of trees with less than fourteen (14) feet clearance over streets or less than eight (8) feet, over sidewalks, or the growing and maintenance of shrubbery in excess of three (3) feet in height within the radius of twenty (20) feet from the point where the curb line of any street intersects the curb line of another street. No shrub

shall be planted between the curb line and the property line of any street within a radius of twenty (20) feet from the point where the curb line of any street intersects with the curb line of another street.

- (10) *Junk, scrap metal, motor vehicles.* The storage of motor vehicles unfit for further use, automobile parts or scrap metal within the city limits.

"Motor vehicle in an inoperative condition" means and includes any style or type of motor-driven vehicle used or useful for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten (10) consecutive days.

"Motor vehicle unfit for further use" means and includes any style or type of motor driven vehicle used for the conveyance of persons or property, which is in a dangerous condition, has defective or missing parts, or is in such a condition generally as to be unfit for further use as a conveyance.

"Automobile parts" mean and include any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

"Scrap metal" means and includes pieces of or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its originally intended purpose.

- (11) Weeds and high grass are declared to be a nuisance to be controlled according to the nuisance abatement procedures.

(Code 1966, § 90.3; Ord. No. 99-018, § 6, 7-1-99; Ord. No. 04-021, 9-16-04)

Sec. 9-3. Test for nuisance.

Whether or not a particular annoyance, of the character listed in section 9-2, constitutes a nuisance shall depend on its effect upon persons of ordinary health and average sensibilities, and not its effect upon persons who are delicate or supersensitive, or whose habits, tastes, or conditions are such that they never are sensible of any annoyance.

(Code 1966, § 90.4)

Sec. 9-4. Nuisance created by others.

For the purposes of this article, it shall not be essential that the nuisance be created or contributed to by the owner, or tenants, or their agents, or representatives, but merely that the nuisance be enacted or contributed to by licensees, invitees, guests or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care, the owner or operator, ought to have become aware of.

(Code 1966, § 90.5)

Sec. 9-5. Suspension of license.

- (a) Whenever it is brought to the attention of the council that a nuisance described in section 9-2 exists and the council deems that there is an immediate threat to the public health, safety or welfare, the council may by majority vote suspend the license of any person conducting business upon the premises where such nuisance exists.
- (b) The clerk-treasurer shall cause notice of the suspension to be served personally upon the licensee or at the premises where such nuisance exists.
- (c) Upon application of the licensee, the council may remove the suspension upon such terms as it may direct,

(Code 1966, § 90.6)

Sec. 9-6. Abatement procedure.

- (a) *Notice to abate.* It shall be the duty of the code official or any other authorized by ordinance to serve or cause to be served a notice upon the owner of any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter. Such notice shall describe the nuisance so maintained and shall demand abatement of such nuisance within ten (10) days of notice, unless such nuisance constitutes an immediate danger to health and well-being of the community, on which case the notice shall demand abatement within twenty-four (24) hours of the notice. The notice shall also include the following:
 - (1) A statement to the effect that if the nuisance is not abated within the prescribed time, the city will proceed to abate the nuisance.
 - (2) A statement to the effect that the cost of abatement constitutes a lien against the property in favor of the city.
 - (3) A statement to the effect that if the city is required to abate the nuisance, the code official will send a bill for the cost of the abatement, to include an administrative cost, to the property owner, and if the bill is not paid within seven (7) days following the mailing of the bill, that a lien for the cost of the abatement will be placed against the property. The property owner shall further be informed that in the event the property is the subject of litigation, the lien may be filed immediately upon the mailing of the bill.
 - (4) A statement to the effect that civil penalties of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) may be imposed if two (2) or more notices to abate a nuisance have been issued to the same owner on the same property, within a twelve-month period and that civil penalties so imposed will be added to the bill for the cost of abatement.
 - (5) The procedure established by section 111 of the property maintenance code, means of appeal, shall govern the appeal from notices to abate nuisances under this section or notices of the imposition of civil penalties. Appeals under this section shall be within ten (10) days of the service of the notice from which the appeal is taken rather than twenty (20) days for violations of the property maintenance code. The board appointed

pursuant to subsection 111 of the code shall hear appeals of actions taken pursuant to nuisance abatement.

- (b) *Service of notices.* The service of notices to abate shall be governed by the procedures provided in section 107 of the property maintenance code.
- (c) *Abatement by the city.* If the owner so served does not abate the nuisance or file a notice of appeal within ten (10) days, the city may proceed to abate such nuisance, keeping an account of the expense of abatement. The expense of the abatement with an administrative fee of seventy-five (\$75.00) shall be charged to and paid by the property owner. The ten-day period provided for it in this subsection shall commence:
 - (1) On the day following service [where notice is personally served];
 - (2) On the third day following mailing [where notice is served by mail]; or
 - (3) On the third day following the second day of publication [where notice is by publication.]
- (d) *Lien.* The city shall have a lien against the property for its costs incurred in such nuisance abatement plus an administrative fee of seventy-five dollars (\$75.00). This lien shall be superior to and have priority over all other liens on the property, except state, county, school board, and city taxes pursuant to KRS 82.720. This lien shall be evidenced by a notice of lien claimed, filed in the county clerk's office, which notice shall include the affidavit of the code official, setting forth the property in question, the amount of the city's cost of abatement, the date of abatement, and that the notice provisions of this section were complied with before abatement.

The code official shall bill the property owner of such premises at least once following abatement. No lien claimed shall be filed against the property until seven (7) days have elapsed after the bill is sent. If the property is the subject of litigation, the lien may be filed immediately upon the mailing of the bill. A copy of the notice of the lien shall be mailed to the owner of the premises, or, if the owner of the property cannot be ascertained according to the provisions of the section 107 of the code, published. The failure of the clerk to record such notice of lien claimed, the failure to mail the owner a copy of such notice or the publishing of the notice, or the failure of the owner to receive such notice shall not affect the right of the city to enforce its lien for such charges as provided by law.

- (e) *Property to be sold.* The property subject to a lien for unpaid nuisance abatement charges may be sold for nonpayment of those charges according to law.
- (f) *Court proceeding.* The city attorney is authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over such matter, against any property for which a bill for nuisance abatement remains unpaid for seven (7) days after it is mailed. If the property is the subject of litigation, the proceedings may be initiated immediately upon the mailing of the bill.
- (g) *Release of lien.* The mayor is hereby authorized and directed to execute a release of the lien provided for in subsection (d) upon payment in full of the nuisance abatement cost evidenced by the lien or upon conclusion of court proceedings resulting in the sale of the property regardless of whether any

portion of the costs were paid from the proceeds of the sale. The lien release shall be filed in the county clerk's office.

- (h) *Unenforceable liens.* The city attorney is authorized to determine that liens shall not be filed for the cost of nuisance abatement if the cost of nuisance abatement is less than five hundred dollars (\$500.00) or less and the cost of collection of the lien would be greater than the amount secured by the lien. The city attorney is authorized to determine whether the city should intervene in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law. All liens are ratified and adopted as an act of this council.

(Code 1966, § 90.2; Ord. No. 99-018, § 4, 7-1-99)

Sec. 9-7. Penalties.

- (a) Any owner who violates any provision in chapter 9 and has been previously issued two (2) or more notices to abate a nuisance on the same property within a twelve-month period, may be assessed civil penalties of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), pursuant to the civil penalty guidelines as set forth herein. Notice of assessment of a civil penalty for a violation of chapter 9 shall be made in the manner specified in section 9-6.
- (b) Civil penalties assessed for violations of chapter 9 shall be based on the number of notices to abate issued within a twelve-month period and the number of times the city has been required to abate the nuisance(s), as follows:

Number of Notices to Abate within 12 Months

TABLE INSET:

2					of notices which are abated by owner
\$100.00	\$200.00	\$300.00	\$500.00	\$600.00	
2					of notices which are abated by city
\$200.00	\$400.00	\$600.00	\$800.00	\$1,000.00	

(Ord. No. 99-018, § 5, 7-1-99)

Editor's note: Ord. No. 99-018, § 5, adopted July 1, 1999, amended the Code by adding new provisions to be designated § 9-6.1. The provisions have been added as a new § 9-7 at the discretion of the editor.

Secs. 9-8--9-20. Reserved.

ARTICLE II. NOISE

Sec. 9-21. Purpose of article.

The purpose of this article is:

- (1) To preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise; and
- (2) To prevent noise, which is:
 - a. Prolonged or unsuitable for the time and place; and
 - b. Detrimental to the peace and good order of the community.

It is the goal of the article to allow all residents of our city to peacefully coexist in a manner, which is mutually respectful of the interests and rights of others.

(Ord. No. 04-021, § I, 9-16-04)

Sec. 9-22 Prohibited noise offenses.

- (a) *General prohibition.* It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise as defined in this article. Unreasonable noise disturbs, injures or endangers the peace or health of another or the health, safety, or welfare of the community. Such noise constitutes the disturbance of the peace and a public nuisance. Loud and unreasonable noise, for the purpose of this article, is defined as noise that is plainly audible to a reasonable person of normal sensitivities using his or her unaided hearing faculties as such times and distances proscribed below. To be plainly audible does not require the listener to be able to determine specific characteristics of the noise, e.g. the words of a song being played, but only that the listener hears the noise, e.g. the boom of the song's base.
- (b) *Express prohibitions.* The following acts are noise disturbances:
 - (1) *Radios, television sets, musical instruments, phonographs, and similar devices, including motor vehicle sound equipment.* The operation or permitting the use or operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound in such a manner as to be plainly audible:
 - a. From the source of the noise through the walls separating dwelling units within the same multifamily building;
 - b. From the source of the noise to within a dwelling unit located on another property than that from which the noise emanates; or
 - c. From the source of the noise within the right-of-way to within a dwelling unit; or
 - d. From the source of the noise a distance of fifty (50) feet or greater.
 - (2) *Parties and other social events.* In the event the source of the proscribed noise is a private party or social event, the responsible person for the offense shall be any or all of the following:
 - a. The owner of the premises;

- b. The occupant of the premises; or
 - c. The person authorized to make use of the premises for such event.
- (3) *Machinery and construction noise.* Machinery and construction noise that is plainly audible at any distance, but reasonable to the nature of the work performed is not prohibited under this article from the hours of 7:00 a.m. to 9:00 p.m. Such noise that is plainly audible from the source of the noise a distance of fifty (50) feet is prohibited between the hours of 9:00 p.m. and 7:00 a.m. Excepted from this prohibition is works necessitated by an emergency. The determination of whether or not an emergency exists for the purpose of this article shall be made by the mayor, chief of police or ranking police officer on duty at the time of the emergency.
- (4) *Loudspeakers utilized for commercial purposes.* Noise from loudspeakers used for commercial purposes and used in the ordinary course of business, i.e., ice cream truck or auction that is plainly audible at a distance of fifty (50) feet is not prohibited under this article from the hours of 7:00 a.m. to 9:00 p.m.
- (5) *Noise not otherwise prohibited (in specific provisions above).* Noise from any other source, including, but not limited to, barking dogs, car engines, human voices and fire works, which are plainly audible:
- a. From the source of the noise through the walls separating dwelling units within the same multi-family building;
 - b. From the source of the noise to within a dwelling unit located on another property than that from which the noise emanates; or
 - c. From the source of the noise within the right-of-way to within a dwelling unit; or
 - d. From the source of the noise a distance of fifty (50) feet or greater.

(Ord. No. 04-021, § II, 9-16-04)

Sec. 9-23. Exemptions.

Noise from the following sources is exempt from the prohibition specified above:

- (1) *Governmental activities.* Governmental vehicles and equipment while in use for municipal purposes, including, but not limited to, safety signals, warning devices, snow removal, public events, law enforcement, emergency construction or repair work. Events conducted by or permitted by the city must comply with all conditions of such permits with respect to noise control issues;
- (2) *Special events.* Special events permitted by the appropriate agency, e.g., Festival of the Horse; and
- (3) *Essential activities.* Activities for which an exemption has been obtained from the office of the mayor, which exemptions shall be issued only for those activities for which there is a substantial need and the effectiveness of which would be significantly reduced or eliminated by the enforcement

of this prohibition. Exemptions under this section shall issue for only that period during which the need for the activity can be demonstrated.

(Ord. No. 04-021, § III, 9-16-04)

Sec. 9-24. Enforcement of article.

- (a) Authority to enforce this article is given to the police department and the code enforcement officer.
- (b) The penalty for violation of this article is as follows:
 - (1) *First offense.* For the first offense a fine of fifty dollars (\$50.00);
 - (2) *Second offense.* For the second offense within twelve (12) months, a fine of one hundred dollars (\$100.00);
 - (3) *Third and subsequent offenses.* For the third and subsequent offenses within twelve (12) months, a fine of two hundred dollars (\$200.00).
- (c) Payment of fines; penalty for nonpayment: Within seven (7) days from the date of the issuance of the citation, any person cited pursuant to this article shall:
 - (1) Pay to the city the civil penalty prescribed; or
 - (2) Request a hearing regarding such citation and/or penalty before the administrative appeals board.
 - (3) Failure to pay the citation or request a hearing within the required seven (7) days shall result in the administrative appeals board's entry of a final order determining:
 - a. The person cited to have waived his or her right to a hearing;
 - b. The citation and fine to be proper under this article; and
 - c. The assessment of an administrative fee in an amount equal to the original citation fine.
- (d) All fines shall be payable at the designated boxes provided at 100 Court Street or the Police Department at 550 Bourbon Street.

(Ord. No. 04-021, § IV, 9-16-04)

Chapter 10 OFFENSES--MISCELLANEOUS*

***Cross references:** Police Department, § 2-146 et seq.

State law references: Crimes and punishments, KRS ch. 431 et seq.; state penal code, KRS ch. 500 et seq.

Art. I. In General, §§ 10-1--10-20
Art. II. Explicit Sexual Material, §§ 10-21--10-26

ARTICLE I. IN GENERAL

Sec. 10-1. Sunday retail sales.

- (a) Pursuant to the authority of KRS 436.165(1) all retail sales which may lawfully be conducted upon any other day of the week and not permitted on Sunday under KRS 436.160, are hereby permitted within the jurisdictional boundaries of the city, on Sunday, subject, however, to the limitation hereinafter set forth in subsection (b).
- (b) The retail sales permitted on Sunday within the jurisdictional boundaries of the city, shall be subject to the following limitations:
 - (1) No employer shall require as a condition of employment that any employee work on Sunday or on any other day of the week which any such employee may conscientiously wish to observe as a religious Sabbath.
 - (2) No employer shall in any way discriminate in the hiring or retaining of employees between those who designate a Sabbath as their day of rest and those who do not make such designation, provided, however, that the payment of premium or overtime wage rates for Sunday employment shall not be deemed discriminatory.
 - (3) No person admitted, under the provisions of this section, to engage in a retail business on Sunday shall be open to the public between the hours of 6:00 a.m. and noon on any Sunday.
 - (4) Every employer engaged in retail sales on Sunday shall allow each person employed by him in connection with such business or service at least twenty-four (24) consecutive hours of rest in each calendar week in addition to the regular periods of rest normally allowed or legally required in each working day.
 - (5) No business shall be required to be open on Sunday as part of a lease agreement, franchise agreement or any other structural arrangement. The provisions of this subsection shall not apply to any lease agreement, franchise agreement or any other contractual arrangement entered into before July 15, 1980.

(Code 1966, §§ 113.1, 113.2)

Sec. 10-2. Curfew for minors.

- (a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (1) *Minor.* Any person under the age of eighteen (18), or, as may be otherwise phrased, any person of the age of seventeen (17) or under.
 - (2) *Parent.* Any person having legal custody of a minor:
 - a. As a natural or adoptive parent;
 - b. As a legal guardian;
 - c. As a person who stands "in loco parentis";
 - d. Or as a person whom legal custody has been given by order of

court.

- (3) *Remain.* To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, street or highway.
- (4) *Allow.* Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is, the parent or guardian must actually know about the child violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the child was violating this section.
- (b) (1) It shall be unlawful for any person under the age of eighteen (18) to be or remain in or upon any public assembly, building, place, street or highway within the city at night during the following periods:
 - 1:00 a.m. to 6:00 a.m. Saturday and Sunday.
 - 11:00 p.m. to 6:00 a.m. Sunday--Friday
- (2) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street or highway in the city under circumstances not constituting an exception as enumerated in subsection (c) during the time periods contained in subsection (1) of this paragraph (b).
- (c) In the following exceptional cases a minor in or upon any public assembly, building, place, street, or highway in the city during the nocturnal hours provided for in subsection (b) shall not be considered in violation of this section:
 - (1) When the minor is accompanied by a parent or guardian;
 - (2) When accompanied by an adult authorized by a parent or guardian of such minor;
 - (3) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, provided that written notice signed by the minor and countersigned by a parent is in the possession of such minor specifying when, where and in what manner said minor will be exercising such First Amendment rights;
 - (4) In case of reasonable necessity but only after such minor's parent has communicated to the police department the facts establishing such reasonable necessity;
 - (5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor who has not communicated an objection to a police officer or the police department;
 - (6) When returning home, by a direct route from, and within one (1) hour of the termination of, a school activity, or any activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be given to any investigating officer of the police department;
 - (7) When authorized by regulation issued by the mayor in cases of reasonable necessity involving more minors than may reasonably be

dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street or highway permitted, and the period of time involved not to extend more than one (1) hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary. The mayor shall notify the police department of said information;

- (8) When engaged in a business or occupation which the laws of Kentucky authorize a person under eighteen (18) years of age to perform;
 - (9) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;
 - (10) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the city for the purpose of passing through, by direct route, from one location to another either within or out of the city, including all minors that may also be within the vehicle.
- (d) (1) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this section may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian or person having legal custody.
- (2) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian or person having legal custody and then either take the minor to his or her home or direct the minor to proceed immediately to his or her home.
- (e) *Penalty.* Any parent, guardian or person having legal custody allowing a minor to violate section (b)(1) shall be subject to a fine of no more than five hundred dollars (\$500.00) or imprisonment for a period not to exceed six (6) months or both.

(Code 1966, § 135.3; Ord. No. 95-006, § I, 5-4-95)

Cross references: Streets, sidewalks and other public places, ch. 15.

Sec. 10-3. Interfering with radio equipment.

It shall be unlawful for any person in the city to use or operate what is known as sparking machine high frequency apparatus, battery charger or other form of electrical instrument or apparatus, when the use or operation of same will materially interfere with or prevent the use and enjoyment of any benefit of radios in the city, provided, however, that all such instruments or apparatus may be used and employed in all cases of emergency and necessity and at all times excepting between the hours of 6:30 p.m. and 11:30 p.m.

(Code 1966, § 130.14)

Sec. 10-4. Discharge of weapons.

It shall be unlawful for any person to discharge a gun, pistol or other firearm, or airgun within the limits of the city, except in cases of necessity, the performance of a duty, or by express consent of the chief of police given in writing, or a license to do so or to throw a fire-ball, shoot a roman candle, skyrocket, fire cracker, or discharge or set off any other fireworks within the limits of the city.

(Code 1966, § 131.1)

Sec. 10-5. Bonfires.

It shall be unlawful for any person, within the limits of the city, to burn any material so as to endanger the surrounding property, or shall make a bonfire, or assist in so doing.

(Code 1966, § 131.2)

Cross references: Fire prevention and protection, ch. 7.

Sec. 10-6. Registration of persons applying pesticides or herbicides.

- (a) *Purpose.* The purpose of this section is to register the name, address and state operator's certificate of each operator who is in the business of applying pesticides, herbicides, plant regulators, defoliants or desiccants within the city limits of the City of Georgetown, to require the notification of adjoining property owners prior to the application of these agents and to make the composition of these agents known to those in proximity to the application.
- (b) *Registration.* All persons applying the above agents, for consideration, i.e., doing business, whether full or part-time, within the city limits of Georgetown, shall register with the city clerk's office within forty-five (45) days of the effective date of this section. The required registration shall include name and address of the owner and all operators, the address of the place of business, a list of all chemicals used by the operators and a copy of the state certificate issued to the operator pursuant to 302 K.A.R. 31:005.
- (c) *Notice requirement.* All persons applying the above agents shall provide the following notification to adjoining property owners:
 - (1) Operators for consideration shall not apply any of the above agents unless and until they are registered as provided above and post a notice on the boundaries of the property. This notice shall be yellow in color, a minimum of eight and one-half (8 1/2) by eleven (11) inches in dimension, and displayed no less than three (3) feet off the ground. Each notice shall be placed in a conspicuous location. The notice shall set forth all agents to be applied, their active ingredients and appropriate procedures in the event of harmful exposure.
 - (2) Private operators applying the above agents to their own property, or the property of family members, shall give reasonable notification to the adjoining property owners prior to application. Reasonable notification must include either direct verbal communication or written notice prominently displayed on the adjoining property in such a manner that the

adjoining owner or resident will receive actual notice.

(d) *Penalties.* Anyone violating the above requirements shall be subject to the following penalties:

- (1) Operators for consideration failing to register as provided in subsection (a) above shall be subject to a fine of not more than one hundred dollars (\$100.00).
- (2) Operators for consideration who apply the above agents in violation of subsection (b) shall be subject to a fine of not more than one hundred dollars (\$100.00) for each occurrence.
- (3) Private operators applying the above agents in violation of subsection (c) shall be subject to a fine of not more than twenty-five dollars (\$25.00).

(Ord. No. 87-007, §§ 1--4, 6-18-87)

Editor's note: Ord. No. 87-007, §§ 1--4, adopted June 18, 1987, did not specifically amend the Code; therefore, inclusion as § 10-6 was at the discretion of the editor.

Sec. 10-7. Placement and removal of political signs.

- (a) *Time limitation.* No political sign shall be posted sooner than the thirtieth day prior to election day.
- (b) *Removal.* All political signs shall be removed no later than five (5) working days after election day.
- (c) *Rights-of-way.* No political sign shall be posted in the rights-of-way.
- (d) *Responsible party.* The candidate shall be responsible for compliance with this section and subject to sanctions for violation.
- (e) *Effective date.* The effective date of this section shall be May 25, 1993.
- (f) *Penalty.* The penalty for a violation of this section shall be a fine of up to five dollars (\$5.00) with each day constituting a separate violation.

(Ord. No. 93-005, §§ 1--6, 2-4-93)

Editor's note: Ord. No. 93-005, §§ 1--6, adopted Feb. 4, 1993, did not specifically amend the Code; hence, its inclusion herein as § 10-7 was at the discretion of the editor.

Sec. 10-8. Deadly weapons within public buildings owned or occupied by the city.

- (a) *Prohibition.* In order to protect city employees and the general public, no person, except sworn law enforcement officers, shall carry concealed deadly weapons in city owned or leased buildings. Excepted from this prohibition are city owned buildings used for the private residence of individuals.
- (b) *Penalty.* Persons in violation of this section may be denied access to the city owned or leased building. Once access is gained, the offender may be removed from the building. Employees of the city may be subjected to personnel action for violation of this section. There shall be no criminal sanction for violation of this section.

(Ord. No. 97-007, § 1, 2, 2-20-97)

Sec. 10-9. Solicitation within streets and roads.

- (a) *Solicitation within streets and roads is prohibited.* No person shall solicit, approach, impede, or otherwise deflect or interfere with motorist's attention, progress, safety, or compliance with traffic control.
- (b) *Penalty.* Persons in violation of this section shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) for each offense as set out in KRS 189.990, state penalties.

(Ord. No. 03-016, §§ 1, 2, 6-19-03)

Secs. 10-10--10-20. Reserved.

ARTICLE II. EXPLICIT SEXUAL MATERIAL *

***Editor's note:** Ord. No. 84-006, §§ 1--6, adopted May 17, 1984, did not specifically amend the Code; therefore, codification as §§ 10-21--10-26 was at the discretion of the editor.

Sec. 10-21. Purpose.

It is the purpose of this article to regulate the direct commercial distribution of certain explicit sexual materials to minors in order to aid parents and guardians in supervising and controlling the access of minors to such material. The council finds that whatever social value such material may have for minors can adequately be served by its availability to young persons through their parents or guardians. It is also the purpose of this section to prohibit open public display of certain explicit sexual materials, in order to protect persons from potential offense through involuntary exposure to such materials.

(Ord. No. 84-006, § 1, 5-17-84)

Sec. 10-22. Definitions.

For the purposes of this article:

- (a) *Explicit sexual material* shall mean any pictorial or three-dimensional material, or motion picture, or still picture or photograph, or book or pocketbook or pamphlet or magazine, the cover or contents of which:
 - (1) Depicts human sexual intercourse, masturbation, sodomy, bestiality or oral or anal intercourse;
 - (2) Depicts direct physical stimulation of unclothed genitals;
 - (3) Depicts flagellation or torture in the context of a sexual relationship; or

- (4) Emphasizes the depiction of adult human genitals, buttocks or the female breast.

Works of art, however, or works of anthropological significance, or materials when presented in a program of education in a church, school or college shall not be deemed to be within the foregoing definitions.

- (b) *Disseminate* shall mean to sell, lease or exhibit commercially and, in the case of an exhibition, to sell an admission ticket or pass, or to admit persons who have bought such a ticket or pass to the premises whereon an exhibition is presented.
- (c) *Display for sale in an area to which minors have access* shall mean display where minors are able to see it.
- (d) *Material placed upon public display* shall mean it is placed on or in a billboard, viewing screen, theater marquee, newsstand, display rack, window, showcase, display case or similar place so that matter bringing it within the definition of "explicit sexual material" is easily visible from a public thoroughfare or from the property of others.
- (e) *Knowingly* shall mean having general knowledge of, or reason to know, or a belief or ground for belief, which warrants further inspection or inquiry of both of the following:
- (1) The character and contents of any material described herein which is reasonably susceptible of examination; and
- (2) The age of the person.

An honest mistake, however, shall constitute an excuse from liability hereunder if a reasonable bona fide attempt is made to ascertain the true age of the person.

- (f) *Minor* shall mean a person less than eighteen (18) years of age.

(Ord. No. 84-006, § 2, 5-17-84)

Sec. 10-23. Offenses.

A person is guilty of a violation of this article if he or she:

- (1) Knowingly disseminates explicit sexual material to a minor; or
- (2) Knowingly displays explicit sexual material for sale in an area to which minors have access, unless such material has artistic, literary, historical, scientific, medical, educational or other similar social value for adults and access to such material is limited to adults; or
- (3) Knowingly places explicit sexual materials upon public display;

or if he knowingly fails to take prompt action to remove such a display from property in his possession after learning of its existence.

(Ord. No. 84-006, § 3, 5-17-84)

Sec. 10-24. Defenses to prosecution.

It shall be an affirmative defense to a prosecution under this article for the defendants to show:

- (1) That the dissemination was made with the consent of a parent or guardian of the recipient or that the defendant was misled as to the existence of parental consent by a misrepresentation made by a person holding himself out as a parent or guardian of the recipient, or that the dissemination was made to the recipient by his teacher or clergyman in the discharge of official responsibilities; or
- (2) That the recipient was married.

(Ord. No. 84-006, § 4, 5-17-84)

Sec. 10-25. Exemption for broadcasts.

Prohibitions of this article shall not apply to broadcasts of telecasts through facilities licensed under the Federal Communications Act, 47 U.S.C.; Section 201 et seq.

(Ord. No. 84-006, § 5, 5-17-84)

Sec. 10-26. Penalties.

Any person violating any provision of this article shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both. This section shall not apply to any offense which is a felony under the Kentucky Revised Statutes.

(Ord. No. 84-006, § 6, 5-17-84)

Chapter 11 PRECIOUS METAL DEALERS*

***Cross references:** Secondhand goods, ch. 13.

Sec. 11-1. Defined.

The term "precious metals dealer," for the purpose of this chapter, shall mean any business, excluding banking institutions licensed to do business in the state, making any secondhand purchase of gold, silver or platinum, whether in the form of bulk metal, coins, watches, jewelry or any other form. The term "secondhand purchase" shall not include any purchase made by a retailer or wholesaler from a bona fide manufacturer.

(Ord. No. 81-005, § 1, 6-4-81)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 11-2. Recordkeeping.

- (a) Any business meeting the definition of precious metals dealer as defined in

section 11-1 shall maintain a record of all purchases of gold, silver or platinum. The police department shall furnish standard forms for such purposes, which shall at a minimum require the following information: date, time, amount paid by the dealer for the item, manufacturer's name and pattern, if ascertainable, serial number, if any, any distinguishing marks or engraving, weight of the item, pattern, number of items, and settings, if any. Additionally, the following information shall be required for the seller: name, address, date of birth, age, hair color, race, sex, height, weight, build, general appearance, distinguishing marks, legible right thumb print, driver's license number or numbers from two (2) I.D.s, which may include credit cards, and a photograph.

- (b) All precious metals dealers shall furnish to the police department each day by 11:00 a.m., a copy of the completed record form for all transactions which took place during the preceding day. It shall be the duty of any precious metals dealer to allow any member of the police department to examine and inspect the records required in subsection (a), and if sufficient information cannot be gained from inspection of said records, it shall be the duty of any precious metals dealer to permit and allow the officer to examine any and all such articles still in their possession.
- (c) Each and every article or set of articles received by a precious metals dealer shall be kept with the aforementioned record form attached, during the entire time it is in the possession of the licensee or until the item is altered or changed in such a way as to make it no longer readily identifiable, whichever shall occur first. All such articles shall be retained at the place of business or other location where the articles may be made readily available, upon request, to the police department in the same state or condition in which they were received for a period of twelve (12) consecutive days after their receipt, during which time such articles shall not be resold, exchanged or otherwise disposed of. Coins having no numismatic value, krugerrands and manufactured ingots shall be so retained for five (5) consecutive days.
- (d) Nothing contained in this section shall require compliance by a person engaging in business within the city who possesses a current business license from the city and is either accepting returns for cash, credit or replacement of any item originally purchased from the person or exchanging an item for another item of greater value.

(Ord. No. 81-005, § 2, 6-4-81)

Sec. 11-3. Prohibiting purchase from minors.

In no case shall a precious metals dealer make a secondhand purchase of gold, silver or platinum from a minor, unless the minor is accompanied by a parent or guardian. Such purchases shall likewise not be made of any goods which the precious metals dealer knows or has reason to believe are stolen.

(Ord. No. 81-005, § 3, 6-4-81)

Sec. 11-4. Special license tax.

In addition to the special license fees required by article III of chapter 17, there is hereby imposed upon those persons defined as precious metals dealers a license tax in

the amount of two hundred fifty dollars (\$250.00) per annum. This license fee shall not apply to those persons being licensed under article III of chapter 17.

(Ord. No. 81-005, § 4, 6-4-81)

Sec. 11-5. License requirements.

- (a) All precious metals dealers shall be required to secure the license established in section 11-4 by making application for same to the police department. Such applications shall be on standard forms furnished by the police department and shall contain all information determined by that department to be necessary for an evaluation of the applicant's eligibility to be licensed hereunder. As a part of the application process, the applicant must present proof that, if approved for licensure, he can secure an approved indemnity bond as specified in section 11-6 in the amount of thirty thousand dollars (\$30,000.00), issued by a surety company authorized to transact business within the state or can post a cash bond in that amount. No license shall be issued to or held by any person not of good moral character, nor shall a license be issued to any corporation or partnership whose chief officers or members thereof are persons not of good moral character.
- (b) The police department shall, within thirty (30) days of the receipt of the completed application form, make a complete review of the accuracy of the information contained therein, including a criminal record check on any individuals named therein and a determination as to the adequacy of the proposed bond. If the application is to be approved, the police department shall provide the applicant with such written notification, for presentation to the department of finance. The department of finance shall issue the license if the application is approved and if the aforementioned bond is filed with the director of the department of finance. If the application is to be denied, the police department shall provide the applicant with such written notification, including a statement of the reasons for denial. An aggrieved applicant shall, within thirty (30) days of such action, have a right to request a hearing before the council.
- (c) Any license issued under this section may be suspended or revoked by the police department for any violation of the preceding sections. Before any such action is taken, a licensee shall be entitled to notice, a hearing before the council, and any other protection required by law.
- (d) Licenses issued under this section shall not be transferable. License holders shall be required to post their license or a copy thereof in a conspicuous place in their place of business.

(Ord. No. 81-005, § 5, 6-4-81)

Sec. 11-6. Bond.

The bond provided for in section 11-5 shall be for a term of one year or until an approved occupational license tax return is filed with the department of finance, whichever is later. Such bond shall insure to the benefit of the city or of any person who shall be injured or sustain damage proximately caused by failure of any precious metals dealer, its servants, agents or employees, failing to comply with any of the preceding sections hereof.

(Ord. No. 81-005, § 6, 6-4-81)

Chapter 12 SALES

Art. I. In General, §§ 12-1--12-15

Art. II. Garage Sales, §§ 12-16--12-30

Art. III. Alcoholic Beverages, §§ 12-31--12-45

Div. 1. Generally, §§ 12-31--12-40

Div. 2. Facilities which Seat at Least One Hundred Persons and Derive at Least Seventy Percent of Gross Receipts from Sale of Food, §§ 12-41--12-45

ARTICLE I. IN GENERAL

Secs. 12-1--12-15. Reserved.

ARTICLE II. GARAGE SALES*

***Editor's note:** Ord. No. 99-019, § 1--6, adopted July 1, 1999, amended the Code by, in effect, repealing former art. II, §§ 12-16--12-20, and added a new art. II, §§ 12-16--12-20. Former art. II pertained to similar subject matter, and derived from Ord. No. 80-008, adopted May 15, 1980; and Ord. No. 81-010, adopted October 1, 1981.

Sec. 12-16. Definitions.

- (a) *Garage sales* shall mean and include all sales entitled "garage sale," "lawn sale" "attic sale," "rummage," "yard sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.
- (b) *Goods* are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.
- (c) *Person* shall mean and include individuals, partnerships, voluntary associations, and corporations, and shall include religious or charitable institutions.

(Ord. No. 99-019, § 1, 7-1-99)

Sec. 12-17. Permits and fees.

No permit or fee is required prior to conducting a garage sale in the city.

(Ord. No. 99-019, § 2, 7-1-99)

Sec. 12-18. Restricted number of sales.

No location shall be used for a garage sale by any person more than three (3) times in any twelve-month period, excepting however locations actually owned by a religious, charitable, or civic organization, and such organizations not being subject to the limitations imposed by this action.

(Ord. No. 99-019, § 3, 7-1-99)

Sec. 12-19. Person and sale excepted.

The provisions of this article shall not apply to or affect the following persons or sales:

- (1) Persons selling goods pursuant to an order process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

(Ord. No. 99-019, § 5, 7-1-99)

Sec. 12-20. Penalty.

Any person, association or corporation conducting any such sale in violation of this article, shall, upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

(Ord. No. 99-019, § 6, 7-1-99)

Secs. 12-21--12-30. Reserved.

ARTICLE III. ALCOHOLIC BEVERAGES

DIVISION 1. GENERALLY

Sec. 12-31. Mandatory responsible beverage service training.

- (a) *Participation in mandatory responsible beverage service training.* All persons employed in the selling and serving of alcoholic beverages shall participate in a city-approved responsible beverage service training program. For a responsible beverage service training program to be approved by the city, it must effectively train its participants in the identification of false age documentation and recognition of characteristics of intoxication. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this section.
- (b) *Licensees.*
 - (1) All persons employed by a person or entity licensed under division 2 of this article for the sale of alcoholic beverages whose job duties include the sale or service of alcoholic beverages or the management of premises on which alcoholic beverages are served, shall complete responsible beverage service training from a program approved by the city.

- (2) All persons licensed under division 2 of this article for the sale of alcoholic beverages shall complete responsible beverage service training from a program approved by the city.
 - (3) All entities licensed under division 2 of this article for the sale of alcoholic beverages shall designate a person who, on behalf of the entity, shall complete responsible beverage service training from a program approved by the city. The person designated must have the authority to implement or amend the licensee's on-premise practices for selling and serving alcohol.
 - (4) All persons required to complete training under paragraphs (1), (2) and (3), above, shall complete that training within forty-five (45) days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the city not less than once every three (3) years thereafter.
 - (5) All persons or entities licensed under division 2 of this article for the sale of alcoholic beverages shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered to complete a city-approved responsible beverage service training class according to the provisions of this article.
- (c) *Required information and signage to assist the trained servers and sellers.*
- (1) *Driver's license guide and compilation of laws.* The licensee shall maintain the following information on the premises, in a location accessible at all times to all employees of the licensed establishment:
 - a. A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five (5) years prior to the present date; and
 - b. A current compilation of the laws relating to the sale and possession of alcoholic beverages in the state. This compilation must also include division 2 of this article.
 - (2) *Signage.* The licensee shall maintain on the premises, in all customer areas, current signage related to underage consumption of alcoholic beverages and to driving under the influence of alcohol. One (1) sign must be located behind the counter/bar and one (1) sign must be present in each additional room or section within the restaurant area in which the writing on the sign behind the counter/bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (1/2) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet. Any signs required by this section for which there are comparable ABC requirements shall be maintained in conformity with state ABC regulations.
 - (3) *Personnel certification records.* Each licensee shall maintain a file on its business premises for each person connected with its business for whom

training is required under this section. That file shall contain the name, job description, date of employment and proof of certification pursuant to this section of each employee, officer and agent subject to the training requirement provided in this section. During business hours, this file shall be available to the person or persons designated by the mayor's office with responsibility for enforcement of this section and division 2 of this article, related to the licensing of premises for the sale of alcoholic beverages.

(d) *Seller/server training agency.*

- (1) Licensees and servers shall participate in a training program with an approved responsible beverage service training agency, selected and approved by the city.
- (2) *Compensation.* The approved training agencies shall not be compensated or otherwise reimbursed by the city. The training agencies shall recover costs and profit through fees collected from the persons receiving the training.
- (3) *Training.* The approved training agencies shall certify the qualifications of all required participants as required by this section. All new employees, officers or agents shall complete the training within sixty (60) days following their hiring or other event which subjects that person to the training requirement. New employees, officers or agents failing to complete the training within the prescribed time shall not work on the premises after the expiration of that period until they have successfully completed such training.
- (4) *Standards for certification.* The training agency must reasonably instruct upon and certify the participants' competence in at least the following:
 - a. Pertinent laws and ordinances related to the sale of alcohol;
 - b. Verification of age, forms of identification and usual methods of false or misleading age identification;
 - c. The effect of alcohol on humans and the physiology of alcohol intoxication, including the effect of alcohol on pregnant women, their fetuses and other situations involving the use of alcohol by persons vulnerable to its effects;
 - d. Recognition of the signs of intoxication;
 - e. Strategies for intervention and prevention of underage and intoxicated persons from consuming alcohol;
 - f. The licensee's policies and guidelines, including the employee's role in observing those policies; and
 - g. Potential liability of persons serving alcohol;
- (5) *Qualifications for training agencies.* The training agency shall have a minimum of two (2) years actual experience in responsible beverage service and alcohol awareness training. Each instructor shall be certified to teach his or her subject matter.

- (6) *Personnel and physical resources.* The training agencies shall have sufficient personnel and physical resources to provide responsible beverage service training course to newly hired employees, officers and agents as required by this article.
- (e) *Penalties.* Consistent with the provisions of division 2 of this article, the mayor, or his or her designee, is charged with primary responsibility for enforcement of this section. Penalties for violation of this section shall be assessed against the person or entity holding a license for the sale of alcoholic beverage under division 2 of this article. The individual employee shall not be civilly or criminally liable for violations of this section. The penalties assessed against the licensee for violations of this section are as follows:
 - (1) For the first violation, a fine not exceeding fifty dollars (\$50.00).
 - (2) For subsequent violations, within a two-year period, a fine not exceeding five hundred dollars (\$500.00) and suspension of the licensee's city liquor license for not less than three (3) days nor more than thirty (30) days. The licensee may redeem the days of that suspension for the payment of \$500.00 each.
 - (3) Each day of each violation shall constitute a separate violation.

(Ord. No. 01-016, §§ 1--5, 8-2-01)

Secs. 12-32--12-40. Reserved.

DIVISION 2. FACILITIES WHICH SEAT AT LEAST ONE HUNDRED PERSONS AND DERIVE AT LEAST SEVENTY PERCENT OF GROSS RECEIPTS FROM SALE OF FOOD

Sec. 12-41. Purpose.

This division is adopted to regulate the sale of alcohol pursuant to KRS 242.185 in such manner as to effectuate the legislative intent of that statute. That intent is to permit the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat at least one hundred (100) persons and derive a minimum of seventy (70) percent of their gross receipts from the sale of food. To realize this intent, the city shall implement this division in such manner as to assure that:

- (1) Restaurants and dining facilities licensed under this division shall seat a minimum of one hundred (100) persons. Only permanent seating, excluding bar-type stools, patio seating or temporary chairs available as needed, satisfies this seating threshold.
- (2) The sale of alcoholic beverages shall be accessory to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty.
- (3) Restaurants and dining facilities licensed under this division shall derive a minimum of seventy (70) percent of their gross receipts from the sale of food as certified by periodic documentation.

(Ord. No. 00-34, § 1, 12-21-00)

Sec. 12-42. Application review.

No alcoholic beverage shall be sold in the city, except as authorized under KRS 242.185 and this division. Authorization under this division shall be obtained only upon the city's receipt and approval of an application in accordance with this division, the city's issuance of a license, the ABC's receipt and approval of an application in accordance with applicable law and the ABC's issuance of a license.

Application submittal and review shall be conducted as follows:

- (1) *Application and fee.*
 - a. Persons requesting approval and license authorizing the sale of alcoholic beverages by the drink pursuant KRS 242.185 and this division shall submit a completed application to be obtained from the office of mayor. The office of mayor shall determine the form of this application and the information required by it. That form and information shall be reasonably calculated to permit a reviewing officer to determine compliance with this division. In any event, the city shall accept an application in the form approved and accepted by the alcoholic beverage control (ABC). Any applicant utilizing the ABC form shall provide any additional information not otherwise required by the ABC form by supplemental attachment to the application.
 - b. Applicants for a license under this division shall pay a license fee of eight hundred dollars (\$800.00) pursuant to the provisions of KRS 243.070.
- (2) *Supplemental information.* An applicant currently operating a restaurant or dining facility of comparable size to that which is the subject of the application and one that offers the sale of alcoholic beverages by the drink shall supplement the required application. The required supplemental data shall include information related to its current operation, which reasonably demonstrates the likelihood that applicant's business in the city will yield income earned through the sale of food equal to or greater than seventy (70) percent of its gross receipts. This supplemental data shall include, but not necessarily be limited to, the following specific information:
 - a. The population of the community in which it currently operates;
 - b. Alcohol sales permitted in the community in which it currently operates; and
 - c. The hours of operation, including any differentiation between the hours during which food and drinks are sold.
- (3) *Periodic information.* Applicants to whom a license is issued authorizing the sale of alcoholic beverages by the drink pursuant to this division shall provide periodic information demonstrating compliance with the continuing requirement that seventy (70) percent of the applicant's business income is earned from the sale of food.

This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly tax filings. Regardless of the applicant's filing schedule, the first of the applicant's periodic information shall be submitted not later than six months after applicant commences sale of alcoholic beverages pursuant to this division.

This information shall consist of a certificate from a certified public accountant familiar with the applicant's pertinent business records. This certificate shall state:

"I have conducted a limited scope audit according to accepted accounting principles of the pertinent records of _____, Licensee under Ordinance 00-_____, and certify that the Licensee earned at least seventy (70) percent of its gross receipts from the sale of food during the quarter ending _____."

This certificate shall include a brief description of the methodology utilized in the determination of the certified percentage.

- (4) *Administering officer.* The city officer responsible for administering this division shall be the mayor, or such city employee as the mayor shall designate. All transactions required for compliance or enforcement of this division shall be directed to or issued by the mayor. He or she shall review the applications along with supplemental and periodic information and issue licenses authorizing the sale of alcoholic beverages by the drink pursuant to this division. The city's administering officer and employees with duties arising under this division shall comply with KRS 241.180 and 190.
- (5) *Forms.* All forms reasonably necessary for the implementation of the division shall be provided by the mayor's office.
- (6) *Auditing authority.* The city's administering officer is empowered to demand access to the pertinent business records of any applicant or licensee for the purpose of conducting an independent audit of those records to substantiate compliance with this division. The city's administering officer may obtain such outside professional services as are reasonably necessary to conduct the audit. In the event the independent audit reveals noncompliance by the applicant or licensee, the cost of the audit shall be assessed to the licensee.

(Ord. No. 00-034, § 2, 12-21-00)

Sec. 12-43. Issuance and renewal of licenses.

- (a) *Issuance.* Upon satisfactory compliance with all city imposed requirements, the city's administering officer shall sign an acknowledgement of that compliance. The ABC shall rely upon that acknowledgement and upon review of the application to the ABC, shall issue an appropriate license. Upon presentation of the ABC issued license, the city's administering officer shall issue the city's license.
- (b) *Renewal.* A license issued pursuant to this division shall authorize the sale of

alcoholic beverages for one (1) year. The license may be renewed annually thereafter upon a showing of compliance with applicable regulations and the payment of a renewal fee of eight hundred dollars (\$800.00).

(Ord. No. 00-034, § 3, 12-21-00)

Sec. 12-44. Operational regulations.

- (a) *Hours.* No licensee operating pursuant to this division shall be open for business earlier than 6:00 a.m. or later than 12:00 midnight.
- (b) *Sales permitted only when food available.* The provisions of subsection (a), above, notwithstanding, no licensee operating pursuant to this division shall sell alcoholic beverages at any time at which the licensee's kitchen and food service staffs are off duty. This requirement is necessary for accomplishment of the legislative intent stated in section 12-41, above, and in KRS 242.185.
- (c) *No sunday sales permitted.* The license issued under KRS 242.185 and this division authorizes the sale of alcoholic beverages only Monday through Saturday. Sunday sales of alcoholic beverages can be authorized only upon the city's adoption of an ordinance expressly providing for such sales.

(Ord. No. 00-034, § 4, 12-21-00)

Sec. 12-45. Violations.

- (a) *Fines.* Violations of this division shall be punishable by fine of up to five hundred dollars (\$500.00) for each offense. Complaints alleging violations of this division may be filed in the Scott District Court and prosecuted as all other municipal ordinance violations. Each day of each violation shall constitute a separate offense.
- (b)
 - (1) *Administrative action.* Violations of this division shall constitute grounds for administrative action by the city's administrating officer. Appropriate actions by the administrating officer upon the determination of a violation shall include a warning and probationary period in which the violation is corrected, a license suspension or license revocation. Suspensions may be satisfied by the payment of a fine of fifty dollars (\$50.00) per day. The action of the administrating officer shall be commensurate with the seriousness of the violation. Upon a finding of a subsequent material violation, the license may be suspended for such time as is commensurate with the seriousness of the offenses or, if previously suspended, revoked. Subsequent suspensions may be satisfied by the payment of a fine of fifty dollars (\$50.00) per day for no more than one-half (1/2) of the suspension.
 - (2) *Show cause hearing.* Hearings on alleged violations shall be in the manner of a "show cause" hearing at which the licensee shall bear the burden of persuasion that the alleged violation did not occur. The licensee shall be afforded the right to:
 - Reasonable notice of the charge;
 - Representation;
 - Presentation of such evidence and witnesses as in its discretion

are appropriate to the issues; and

- A finding reasonably supported by the evidence.
- (3) *Hearing officer.* Pursuant to section 12-42(4), above, the city administrating officer may designate a city employee or other person as the hearing officer to conduct the hearing provided for in this section. In the event of such a designation, the hearing officer's determination shall be in the form of a recommendation upon which the city administrating officer shall determine appropriate action.
- (4) *Appeal.* Pursuant to KRS 241.200 all orders of the city administrating officer may be appealed to the alcoholic beverage control board.
- (5) *Referral to ABC.* In lieu of the hearing authority provided above, allegations of violations of this division may be referred to the alcoholic beverage control board for determination.

(Ord. No. 00-034, § 5, 12-21-00)

Chapter 13 SECONDHAND GOODS*

***Cross references:** Precious metal dealers, ch. 11.

Art. I. In General, §§ 13-1--13-15
Art. II. Pawnbrokers, §§ 13-16--13-56
Div. 1. Generally, §§ 13-16--13-45
Div. 2. License, §§ 13-46--13-56

ARTICLE I. IN GENERAL

Secs. 13-1--13-15. Reserved.

ARTICLE II. PAWNBROKERS*

***State law references:** Pawnbrokers, KRS ch. 226.

DIVISION 1. GENERALLY

Sec. 13-16. Defined.

Any person who loans money on deposit of personal property, or who deals in the purchase of personal property on condition of selling the property back again at a stipulated price, or who makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business, or who publicly exhibits a sign advertising money to loan or personal property or deposit is a pawnbroker for the purposes of this article.

(Ord. No. 80-003, § 1, 2-21-80)

Cross references: Definitions and rules of construction generally, § 1-2.

State law references: Similar provisions, KRS 226.010.

Sec. 13-17. Pawn ticket to be furnished.

- (a) Each pawnbroker shall furnish to the pledgor a printed receipt clearly showing the amount loaned with a specific, detailed description of the pledged property pawned or received, date of receipt thereof, time for redemption, and the name of the pledgee. The reverse side of the receipt shall be marked in such a manner that the amounts of principal and interest and any other charges paid by the person securing the loan can be clearly designated thereon. Each payment shall be entered upon the reverse side of the receipt and shall designate how much of the payment is being credited to principal, how much to interest, and how much to any other charge, with the date of the payments shown thereon. The pawnbroker shall affix to each article or thing a tag upon which shall be inscribed a number, of legible characters, which shall correspond to the number on the pawn ticket and be entered in the book required to be kept by section 13-24. The pawnbroker shall furnish all information required by law to be given to borrowers by state law and federal law.
- (b) The following information shall be printed on the front or back of each pawn ticket required to be given the pledgor: "In the event of failure to pay the loan within _____ days from the date hereof, or within _____ days after maturity, or within _____ days after payment of any monthly interest when due, whichever period of time is the greater, you shall thereby forfeit all right and title unto such pledged and pawned property to the pawnbroker who shall thereby acquire an absolute title to the same."

(Ord. No. 80-003, § 11, 2-21-80)

State law references: Similar provisions, KRS 226.050(1).

Sec. 13-18. Memorandum of entry.

Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required to be made by him in the record book, and an estimated value of the goods, articles or things pledged; and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note.

(Ord. No. 80-003, § 12, 2-21-80)

Sec. 13-19. Receipt for payment to be furnished.

Upon redemption of any pledge or payment of money, the pawnbroker shall furnish to the pledgor a written signed receipt indicating the exact amount paid on principal and interest in order that the pledgor may have the benefit of the receipt for income tax purposes and other matters. Such written receipt shall be either printed or stamped with the name of the pawnbroker and the address, and shall be legibly written so that the figures thereon are clearly discernible. In a case where the pawnbroker has

purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give such person a receipt stating the original purchase price, the stipulated resale price, and the amount received.

(Ord. No. 80-003, § 13, 2-21-80)

State law references: Similar provisions, KRS 226.090.

Sec. 13-20. Separate pawn ticket for each item.

Every pawnbroker shall prepare and deliver to the pledgor at the time of the pledge a separate pawn ticket for each and every item pledged.

(Ord. No. 80-003, § 14, 2-21-80)

Sec. 13-21. Maximum interest or resale price.

Any pawnbroker may, in loaning money on deposit of personal property, charge, contract for or receive interest at a rate not exceeding three and one-half (3 1/2) percent per month on the unpaid principal balance of the loan, and may, in purchasing personal property on condition of selling the property back again at a stipulated price, fix such stipulated resale price at a sum not exceeding an amount equal to the price at which the property was purchased plus interest at the rate of three and one-half (3 1/2) percent per month. No pawnbroker shall directly or indirectly charge, receive or contract for any interest or consideration than that allowed by this section. The amount of interest so tendered and received shall be recorded on the reverse side of the pawn ticket for each separate pledge, together with the initials of the person accepting such tender. Each and every pawn ticket shall provide, in addition to the required printing thereon as specified in this article, the following words: "Maximum legal interest rate three and one-half (3 1/2) percent per month plus one dollar service charge." The pledgor shall sign the ticket on a space provided thereunder.

(Ord. No. 80-003, § 15, 2-21-80)

State law references: Similar provisions, KRS 226.080.

Sec. 13-22. Forfeiture of pawn.

The pawnbroker shall retain in his possession every pledge or pawn ninety (90) days after the maturity of the loan, or ninety (90) days after the last payment of interest, or part of the principal, whichever is greater. If the pledgor shall fail or neglect for ninety (90) days after maturity of the loan, or ninety (90) days after the last payment of interest, or part of the principal, to redeem the pawned property, the pawnbroker may sell any such property held for redemption, provided that such property shall have been held for redemption for a period of not less than one hundred fifty (150) days from the date of pledge. After a loan is in default the pawnbroker may refuse to accept any payment less than the entire principal and interest due. Not less than ten (10) days before making the sale, the pawnbroker shall have given notice to the person by whom the article was pawned, by mail addressed to the post-office address of such person as shown on the pawnbroker's register, notifying such person that, unless he redeems the article within ten (10) days from the date of mailing the notice, the article will be sold.

(Ord. No. 80-003, § 10, 2-21-80)

State law references: Similar provisions, KRS 226.050(2).

Sec. 13-23. Sign to be posted showing interest and service charge.

Each and every pawnbroker shall post and maintain, in a prominent location within the confines of the pawnshop and maintain, in a prominent location within the confines of the pawnshop, a printed sign not less than fifteen (15) by twenty (20) inches with clearly discernible red lettering on a white background in not less than two (2) inch size, the following words: "Maximum legal interest three and one-half (3 1/2) percent per month plus one dollar service charge."

(Ord. No. 80-003, § 16, 2-21-80)

Sec. 13-24. Records.

Every pawnbroker shall keep a book in which shall be entered and legibly written in ink, at the time of each loan or receipt of personal property, an accurate account and description of the goods, articles or things pawned, or received, the amount of money loaned or advanced thereon and the interest charged, the number of the pawn ticket given to the pledgor, the time when redeemable, the time both day and hour, of pawning or receiving such goods, articles or things, and the name, residence, age, sex, color and description as near as possible of the person pawning or delivering the goods, articles or things. No entry made in such book shall be erased, obliterated or defaced. The book, as well as every article or thing pawned, pledged or deposited, shall at all reasonable times be open to inspection by the chief of police or any officer directed by the chief.

(Ord. No. 80-003, § 17, 2-21-80)

State law references: Similar provisions, KRS 226.040.

Sec. 13-25. Daily report.

Every pawnbroker or pawnshop keeper in the city must, before the hour of 11:00 a.m., of every day the pawnbroker is closed all day make and deliver to the chief of police, at the police station, full, true and detailed copy of all pawn tickets legibly written, setting forth an exact description of each article or thing pawned or received by such pawnbroker or pawnshop keeper during the period since the last such report. Such ticket shall be a full, detailed and correct copy of all entries in the book required to be kept in section 13-24. If no article or thing has been pawned or received, a report must be made to that effect.

(Ord. No. 80-003, § 18, 2-21-80)

State law references: Similar provisions, KRS 226.070.

Sec. 13-26. Report slips.

The chief of police shall cause such a number of blanks to be printed as may be necessary for the purpose of making the reports required by this article. He shall from time to time cause such additional blanks to be printed as may be required. These blanks shall be so printed and subdivided that they shall have space for writing in all the

matters required by this article to be registered and reported. This report shall be written in the English language in a clear, legible manner. Such blanks shall bear a caption, providing spaces in which shall be filled in the date of the report, the name and residence of the person making the same and the hour of day when made, and all other matters required by this article to be reported.

(Ord. No. 80-003, § 19, 2-21-80)

Sec. 13-27. Filing of reports; inspection.

The chief of police shall deliver the blanks provided for in section 13-26 to the person from whom these reports are required, from time to time, at the cost of the police department. He shall, upon receipt of such reports, file them in some secure place in his office, and they shall be open to inspection only by the chief of police or any officer directed by the chief, or upon any order of court.

(Ord. No. 80-003, § 20, 2-21-80)

Sec. 13-28. Persons from whom pawn may not be taken.

It shall be unlawful for any pawnbroker, pawnshop keeper, his servant or employee to receive any goods, articles or things in pawn or pledge from a person who is intoxicated, under the influence of drugs, insane, or a person under the age of eighteen (18) years nor from any person between 8:00 p.m. and 7:00 a.m.

(Ord. No. 80-003, § 21, 2-21-80)

State law references: Similar provisions, KRS 226.030.

Sec. 13-29. Minors not to receive pledges or make loans.

It shall be unlawful for any pawnbroker to employ any clerk or person under the age of eighteen (18) years to receive any pledge or make any loan.

(Ord. No. 80-003, § 22, 2-21-80)

Sec. 13-30. Acts of employees.

The holder of a pawnbroker's license shall be responsible for any and all acts of his employees, and for any violation by them of the provisions of this article.

(Ord. No. 80-003, § 23, 2-21-80)

Sec. 13-31. Goods which may not be taken for pawn.

No licensed pawnbroker shall buy, sell, or take for pledge, pawn or security, any brass knuckles.

(Ord. No. 80-003, § 24, 2-21-80)

Sec. 13-32. Safekeeping of pledges.

Every pawnbroker licensed under the provisions hereof shall provide a safe place

for the keeping of the pledges received by him and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire.

(Ord. No. 80-003, § 25, 2-21-80)

Sec. 13-33. Charges.

It shall be unlawful for any pawnbroker to charge or receive any appraisal fee, storage fee, or any fee or charge other than the amounts specified in this article. No charges shall be made for restoring stolen property to its rightful owner.

(Ord. No. 80-003, § 26, 2-21-80)

Sec. 13-34. Employee registration.

Every employee of a pawnshop shall register his name and address with the police department and shall have had his thumbprints, fingerprints and photograph taken and filed with the city and receive a certificate showing compliance therewith. For the purpose of this section, an employee of a pawnshop shall include all persons working in a pawnbroker's shop and any owner, stockholder if the owner is a corporation, partner or any other person who receives income in any manner from the operation of the pawnshop. Every person seeking to be registered under the provisions of this section shall first pay to the city the sum of one dollar and twenty-five cents (\$1.25) as a condition precedent to having issued to him or her a certificate as provided herein.

(Ord. No. 80-003, § 27, 2-21-80)

Secs. 13-35--13-45. Reserved.

DIVISION 2. LICENSE*

***Cross references:** Occupational license taxes, § 17-16 et seq.

Sec. 13-46. Required.

It shall be unlawful for any person to conduct or transact a pawnbroker business or pawnshop in the city without first having procured a city license therefor as provided in this division.

(Ord. No. 80-003, § 2, 2-21-80)

Sec. 13-47. Application.

- (a) The application shall state the name of the person, and, in case of a firm or corporation, the names of all of the partners in such firm, or of the directors, officers and stockholders of such corporation; also the place, street and number where such business is to be carried on, and shall specify the amount of capital proposed to be used by the applicant in such business.

- (b) At the time of filing such petition, the applicant shall deposit an amount of money equal to at least one-half year's, and not more than one year's charge for the license applied for. This sum of money shall be refunded to the applicant, upon demand, in case the license petitioned for shall not be granted.

(Ord. No. 80-003, § 3, 2-21-80)

Sec. 13-48. Issuance.

No license shall be issued to any person other than the real and actual proprietor of the business and place of business for which it is issued.

(Ord. No. 80-003, § 4, 2-21-80)

Sec. 13-49. Investigation by chief of police.

All applications for pawnbroker's licenses or renewals thereof shall be presented to the city council at a regular meeting thereof. No application shall be acted upon until a recommendation for or against the application is received from the chief of police, provided that the city council shall not be bound by the chief's recommendation.

(Ord. No. 80-003, § 5, 2-21-80)

Sec. 13-50. Bond.

The applicant shall file, with the application, a bond running to the city, conditioned for the faithful observance of all provisions of this article respecting pawnbrokers, during the continuance of such license, and any renewal thereof, for not more than one year. This bond shall be in the sum of ten thousand dollars (\$10,000.00), with a corporate surety or two (2) or more individual sureties. To such bond shall be attached a justification to the effect that the sureties are residents within the county and each is worth the amount specified in such bond, over and above all just debts and liabilities, and exclusive of property exempt from execution.

(Ord. No. 80-003, § 6, 2-21-80)

State law references: Similar provisions, KRS 226.020.

Sec. 13-51. License requirements.

The license issued under this division shall state the name of the person to whom issued, the place of business and street number where such business is located and the amount of capital employed. Such license shall entitle the person receiving it to do business at the place designated in such license.

(Ord. No. 80-003, § 7, 2-21-80)

Sec. 13-52. Nonuse and transfer of license.

If a pawnbroker shall not conduct the business for a period of ninety (90) days, the license shall be null and void. Pawnbroker's licenses shall not be transferable to any other person, except by a majority vote of the city council, and the filing of an application and a new bond by the person to whom such license is, or may be, transferred or

assigned. It shall be unlawful for any person to do business, or attempt to do business, under a license transferred to him without such approval of the city council.

(Ord. No. 80-003, § 8, 2-21-80)

Sec. 13-53. Posting.

It shall be unlawful for any person to conduct or transact a pawnbroker business in the city unless he shall keep posted in a conspicuous place in the place of business the license certificate therefor, and a copy of all ordinances relating to pawnbrokers.

(Ord. No. 80-003, § 9, 2-21-80)

Sec. 13-54. Revocation.

The city council may revoke any pawnbroker's license for repeated violations of the provisions of this article. Any licensee shall have the opportunity for a hearing before such revocation.

(Ord. No. 80-003, § 28, 2-21-80)

Sec. 13-55. Secondhand dealers.

No pawnbroker shall engage in the business of buying and selling or trading secondhand merchandise without obtaining a secondhand dealer's license in addition to a pawnbroker's license.

(Ord. No. 80-003, § 29, 2-21-80)

Sec. 13-56. Location.

No pawnbroker's license shall be issued in any location which such business is not permitted by the zoning ordinances of the city.

(Ord. No. 80-003, § 30, 2-21-80)

Chapter 14 RESERVED*

***Editor's note:** At the discretion of the city, ch. 14, §§ 14-1--14-8, relative to solicitors, has been deleted as being repealed by implication by provisions contained in ch. 17. The deleted sections derived from Code 1966, §§ 111.1--111.7 and 111.99.

Chapter 15 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

***Cross references:** Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city saved from repeal, § 1-6(6); any ordinance establishing and prescribing street grades of any street in the city saved from repeal, § 1-6(7); use of city hall regulated, §

2-25; buildings and building regulations, ch. 4., flood prevention, ch. 8; curfew for minors, § 10-2; subdivision regulations, ch. 16; traffic and motor vehicles, ch. 18; utilities, ch. 19; zoning, ch. 20.

Art. I. In General, §§ 15-1--15-15

Art. II. Obstructions, §§ 15-16--15-40

Art. III. Construction and Repair of Sidewalks, §§ 15-41--15-60

Art. IV. Restoration of Streets, §§ 15-61--15-65

ARTICLE I. IN GENERAL

Sec. 15-1. Transportation, relocation of dirt, earth and debris on and around construction sites.

- (a) All and any dirt, earth or debris from any real estate improvement within the city shall be kept and/or transported in such a manner that it will not wash, drain or otherwise be caused to enter and be deposited in or upon the streets, sanitary sewers, storm sewers and/or other drainage facilities of the city.
- (b) Any person, persons, partnerships or corporations who displace or relocate or cause to be displaced or relocated any dirt, earth or debris from any real estate improvement, and such displacement or relocation places the dirt, earth or debris in such a manner that it washes, drains or is caused to enter and be deposited in or upon the streets, sanitary sewers, storm sewers and/or other drainage facilities of the city, shall forthwith remove and relocate said dirt, earth or debris to a safe location and shall clean up or cause to be cleaned up any dirt, earth or debris that has washed, drained or entered any street, storm sewer, sanitary sewer or other drainage facility.
- (c) Penalties.
 - (1) Any person or persons found violating any provision of the preceding subsections shall be served with written notice stating the nature of the violation and a reasonable time for satisfactory correction, such time shall not be less than twenty-four (24) hours. The members of the police department, the building inspector, and the city engineer shall be charged with the responsibility of enforcing the provisions of this section.
 - (2) Any person or persons who shall continue any violation beyond the time limit provided in subsection (a) of this section shall be guilty of a misdemeanor and upon conviction be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) per offense. Each day during which such violation shall continue or occur shall be considered a separate offense.

(Ord. No. 84-001, § 2, 3-15-84)

Cross references: Buildings and building regulations, ch. 4; traffic and motor vehicles, ch. 18.

Secs. 15-2--15-15. Reserved.

ARTICLE II. OBSTRUCTIONS

Sec. 15-16. Minimum height of awnings and signs.

Every awning or swinging sign erected within the city shall be not less than eight (8) feet above the pavement, and any person who shall violate the conditions of this section shall be fined as provided in section 1-13 for each day the person shall fail to modify or remove any feature not in accordance with this section, after notice thereof by the chief of police.

(Code 1966, § 94.1)

Sec. 15-17. Projections above pavement.

No person shall erect or cause to be erected upon any street, alley or sidewalk within the city, any cellar, curbing or door which shall project more than two (2) inches above the adjoining pavement; nor shall any person, having control of a cellar door or other opening in any street, alley or sidewalk within the city, suffer the same to remain open, or so out of repair that persons are liable to injury thereby. Each day or night the same shall be left open, out of repair, or above the within fixed grade, shall be deemed a separate offense.

(Code 1966, § 94.2)

Sec. 15-18. Street excavations, permit, bond.

- (a) Any person that plans to cut, tear up, repair, obstruct or lay materials on any street, sidewalk or other public way in the city for any purpose, including but not confined to the laying of water, gas or sewer lines or connections, shall first apply to the clerk-treasurer and shall state the nature and extent of the work to be done. The application may be made by the abutting owner or his agent, or by the contractor. The applicant shall further give bond, with good surety, in an amount sufficient to indemnify the city against any liability for injury to persons or property which may result from the proposed work; and the bond shall be the minimum sum of two hundred dollars (\$200.00), or more as the case may require.
- (b) The bond above mentioned shall also be conditioned that the owner or workman shall immediately fill in the excavation in accordance with sections 15-20 and 19-89. Within ten (10) days after the work is finished, the owner or workman shall replace the surface of the street, curb, or sidewalk in as good condition and with the same materials as it was when the improvement or work was begun. The city shall be further indemnified from any liability caused by injury to any public or private sewer, drain, water or gas line. The work shall be subject to the approval of the council and the city engineer.

(Code 1966, § 94.3)

Sec. 15-19. Reserved.

Editor's note: Ord. No. 88-034, § 6, adopted Dec. 15, 1988, repealed § 15-19, which pertained to restoration of streets and derived from Code 1966, § 94.4.

Sec. 15-20. Removal of materials from street; safety requirements.

Any person, including the municipal water and sanitary sewer service, engaged in building or improving, or any gas, waterworks, electric light company, or street railway constructing or repairing its mains, pipes, or road beds, who shall fail to remove all dirt and material from the streets after the completion of the work, or shall fail to repair the injury done to the streets and pavements in the execution thereof, within a reasonable time, shall be fined as provided in section 1-13 for each offense, and be required to pay the costs and expense for the removal of the material, and the repair of the street and pavements. Provided further, it shall be unlawful for any one to leave any obstruction on the streets, sidewalks, alleys or public ways of the city, or to leave any part of same torn up or unfit for public travel, unless such person shall place on same, in a conspicuous place, a red lantern or other light, lighted from twilight until daylight and necessary safeguards in daylight. Any one violating this section shall be fined as provided in section 1-13 for each offense and be responsible and liable for all damages that may accrue because of such failure.

(Code 1966, § 94.5)

Sec. 15-21. Builders permitted to obstruct streets.

Persons engaged in building or improving, shall have permission to occupy so much of the street and sidewalks contiguous to such works, for a reasonable time, as may be necessary for the construction of the same; provided, that there shall be at all times space opposite the work for two (2) vehicles to pass.

(Code 1966, § 94.6)

Sec. 15-22. Selling on street.

- (a) It shall be unlawful to sell or offer to sell goods, wares or merchandise from a wagon or other conveyance, or from any temporary stand or location at any place on Main Street between Mulberry Street and Water Street, or on Broadway Street between Washington Street and College Street, or at any point between the City Building and Main Street, on what is known as the Court House Square.
- (b) If any license is used to sell goods, wares or merchandise inside the city limits, the license shall not be operative in or upon the portions of Main and Broadway Streets and Court House Square above defined.

(Code 1966, § 94.7)

Sec. 15-23. Sidewalks to be kept clean.

All sidewalks shall be kept clean of weeds and grass by the owners and occupants of the property fronting on same.

(Code 1966, § 94.15)

Sec. 15-24. Snow to be removed from sidewalks.

All occupants of lots in the city shall remove the snow from the sidewalks in front thereof within twenty-four (24) hours after the snowfall. In case of vacant or unoccupied

lots it shall be the duty of the owners of the lots or the persons in control thereof to remove the snow as herein provided. Any person violating this section by refusing to comply with same shall be fined as provided in section 1-13, and each day's failure to remove snow as herein required shall be a separate offense.

(Code 1966, § 94.16)

Sec. 15-25. Trimming shade trees.

All shade trees on the streets of the city shall be kept trimmed to the height of eight (8) feet above the level of the sidewalk, so that the limbs shall not obstruct the light from the street lamps or interfere with ordinary travel.

(Code 1966, § 94.17)

Sec. 15-26. Notice to clean sidewalks or to trim shade trees.

It shall be the duty of the chief of police to notify owners or occupants of lots that their sidewalks need cleaning, or that their shade trees are not in conformity with section 15-25, which notice shall be in writing, the officer keeping a copy thereof. If the notice is not complied within ten (10) days after service, the delinquent offender shall be summoned to appear before the district judge, and upon conviction fined as provided in section 1-13. In case of vacant lots, the notice shall be served on the nonresident's agent, if any, or in the absence of such agent, then by mailing the notice to the owner's address.

(Code 1966, § 94.18)

Sec. 15-27. Failure to comply with notice.

The owners or occupants of lots shall keep the sidewalks and gutters leading therefrom clean and in order and any person who shall fail or refuse to clean the sidewalks and gutters for twenty-four (24) hours after having been notified so to do by the mayor or chief of police shall be fined as provided in section 1-13.

(Code 1966, § 94.19)

Sec. 15-28. Boxes, boards, building materials.

No person shall obstruct any street, sidewalk or alley with boxes, barrels, coal, building materials or other substances.

(Code 1966, § 94.20(d))

Secs. 15-29--15-40. Reserved.

ARTICLE III. CONSTRUCTION AND REPAIR OF SIDEWALKS

Sec. 15-41. Generally.

It shall be the responsibility of each owner to keep and maintain the sidewalk in front of their property in good repair. All sidewalks hereafter constructed shall be done

under the supervision of the council, through its building official, and shall be at the cost of the lot or a portion thereof. Any person undertaking repair or construction of a sidewalk shall first notify the building official. There shall be no charge for such application. The building official shall ensure that the work is done in a good and workmanlike manner.

(Code 1966, § 94.10; Ord. No. 84-004, § 1, 5-17-84)

Sec. 15-42. Owner failing to construct or repair.

The council may order the construction or repair of sidewalks which constitute a hazard to the public. The owner or his agent of the property in front of which sidewalks are to be built may construct same; provided the work is done as herein ordered and under the supervision of the building official. At the time the council orders the repair of sidewalks, it shall set a reasonable time by which the work is to be done and completed. If the work is not completed by the owner or his agent by the time set forth in the order, then the same shall be paid and let out by the council, and the letting shall be done in separate contracts for each sidewalk, and the cost of construction shall be paid by the owner of the lot in front of whose property it is built. Should the pavement in any case extend beyond the line of one owner and in front of the property of two (2) or more owners, it shall be apportioned among the owners according to the number of front feet abutting the street where construction is done, as ordered by the council. Advertisement for bids shall be made for at least one (1) week prior to awarding of bids.

(Code 1966, § 94.11; Ord. No. 84-004, § 2, 5-17-84)

Sec. 15-43. Notice to construct or repair sidewalks.

Upon passage of the order to repair sidewalks by the council, the building official shall prepare written notice and a copy thereof shall be sent to each person ordered to construct sidewalks, setting out what is to be done under the ordinance and the time and manner in which it is to be done. Notice to repair may be served upon each owner or his agent by certified mail, return receipt requested, or at the discretion of the building official may be served by an officer of the police department. An officer serving same shall denote the time and manner of service on the copy of the order and return same to the building official.

(Code 1966, § 94.12; Ord. No. 84-004, § 3, 5-17-84)

Sec. 15-44. Lien for cost of construction.

A lien shall exist for the cost of construction and for the legal rate of interest thereon from date of the passage of the ordinance directing the work to be done. Such lien shall be against the respective lots or parts of lots fronting, abutting or bordering upon the sidewalks, and shall be superior to all other liens, and may be enforced as provided by law.

(Code 1966, § 94.13)

Sec. 15-45. Sidewalks and gutters to be kept in repair.

The owner or occupants of lots or property in the city shall keep their sidewalks

and gutters in front of their respective lots in good repair, and any person who shall fail or refuse to repair the sidewalk or gutter which the council order to be repaired within five (5) days after having been notified so to do, shall be fined as provided in section 1-13 for every day thereafter he so fails or refuses.

(Code 1966, § 94.14)

Sec. 15-46. Annual inspection.

The building official shall annually prepare a list of sidewalks which present a hazard to the traveling public and shall notify the owner of the property abutting same. The notice shall set forth a reasonable time in which the repairs are to be made.

If after having received notice from the building official, the owner fails to repair or construct as directed, the council shall direct construction as herein set forth.

(Ord. No. 84-004, § 1, 5-17-84)

Editor's note: Ord. No. 84-004, § 1, adopted May 17, 1984, did not specifically amend the Code; therefore, codification as § 15-46 was at the discretion of the editor.

Secs. 15-47--15-60. Reserved.

ARTICLE IV. RESTORATION OF STREETS*

***Editor's note:** Ord. No. 88-034, §§ 1--5, adopted Dec. 15, 1988, did not specifically amend the Code; hence, its inclusion herein as ch. 15, Art. IV, §§ 15-61--15-65 was at the discretion of the editor. Section 7, dealing with the effective date, has been omitted from codification.

Sec. 15-61. Application and bond.

- (a) *Required.* No contractor, whether a person, corporation, public utility, or municipal agency shall cut, excavate or otherwise remove any portion of a public street in the city during the course of construction, whether for public or private purposes; until an application and bond are filed with the city clerk's office.
- (b) *Purpose.* The purpose of the application is to provide the city with sufficient information to enforce the provisions of this article. The purpose of the bond is to provide the means with which to make repairs in the event the terms of this article are not satisfied.
- (c) *Fees.* The application shall require a fee of twenty dollars (\$20.00). The bond shall be in the amount of one thousand dollars (\$1,000.00) for street cuts of up to two hundred (200) square feet. The bond for street cuts in excess of two hundred (200) square feet shall be one thousand dollars (\$1,000.00) plus five dollars (\$5.00) for each square foot in excess of two hundred (200). The measurement of the ditch shall include an estimate of the additional width necessary to straighten the ditch sides in preparation for repair required under section 15-63 below.

- (d) *Blanket bonds.* A contractor, who shall have multiple street cuts in any year, may file a blanket bond in a minimum amount of five thousand dollars (\$5,000.00). The bond amount shall be review by the director of public works or the city engineer for adequacy. At any time the contractor has in excess of five (5) street cuts under construction, the director or city engineer may require additional security. A contractor opting to file a blanket bond shall pay an annual application fee of one hundred dollars (\$100.00).

(Ord. No. 88-034, § 1, 12-5-88)

Sec. 15-62. Filling of ditches with specified materials.

Immediately after the construction is completed, the contractor shall fill the ditch to the surface with dense graded rock. Refilling the ditch with anything other than dense graded rock is prohibited.

(Ord. No. 88-034, § 2, 12-5-88)

Sec. 15-63. Time period allotted for repair; pouring of concrete and asphalt; leveling; straightening; widening.

Within ten (10) days of the completion of construction, the ditch shall be repaired. In preparation for the repair, the dense graded rock shall be removed from the ditch to a level eight (8) inches below the street surface and the sides of the ditch shall be straightened. Each side of the ditch shall be widened by at least one foot.

After the ditch is prepared, concrete shall be poured into the ditch to a level two (2) inches below the street surface. Asphalt shall be installed in the amount necessary to raise the level of the repair even with the street surface.

(Ord. No. 88-034, § 3, 12-5-88)

Sec. 15-64. Inspections.

Final repair of the ditch shall not be performed until the director of public works or city engineer, or designee, inspects the prepared ditch. Upon certification by the director of public works or city engineer that the repair has been successfully completed the city clerk shall release the bond.

(Ord. No. 88-034, § 4, 12-5-88)

Sec. 15-65. Forfeiture of bond.

In the event the ditch is not repaired as required above, the bond shall be forfeited to the city to pay for the required repair. If the repair cost is greater than the amount of the bond, the contractor shall reimburse the city for the balance.

(Ord. No. 88-034, § 5, 12-5-88)

Chapter 16 SUBDIVISION REGULATIONS*

***Cross references:** Any ordinance dedicating or accepting any plat or subdivision in

the city, or providing regulations for the same saved from repeal, § 1-6(9); buildings and building regulations, ch. 4; flood prevention, ch. 8; flood prevention standards for subdivision proposals, § 8-54; streets, sidewalks and other public places, ch. 15; utilities, ch. 19; zoning, ch. 20.

State law references: Planning and zoning, KRS ch. 100.

Sec. 16-1. Adoption.

Upon recommendation and resolution passed by the planning commission and following the transmittal of the resolution to the council it is now ordered that the subdivision regulations of the city, a copy of which survey is attached hereto and which is incorporated herein by reference as if copied and set forth in full herein, it is hereby adopted and approved, pursuant to the law provided for such cases, and a certified copy of this section shall be filed in the office of the county court clerk, according to law. A copy of same may be seen and inspected at the office of the clerk-treasurer at no expense.

(Code 1966, § 155.1)

Chapter 16.1 TATTOO ESTABLISHMENTS*

***Editor's note:** Ord. No. 84-012, §§ 1--13, adopted August 16, 1984, did not specifically amend the Code; therefore codification as §§ 16.1-1--16.1-13 was at the discretion of the editor.

Sec. 16.1-1. Definitions.

As used herein, the following terms shall have the meanings ascribed to them in this section unless the context requires otherwise:

Certificate of inspection shall mean written approval from the health officer or his authorized representative that said tattooing establishment has been inspected and meets all of the terms of this chapter relating to physical facilities, equipment and layout for operation of such business.

Health officer shall mean the city health officer or his authorized representative.

Operator shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed and any individual who performs or practices the art of tattooing on the person of another.

Tattoo, tattooed, or tattooing refer to any method of placing designs, letters, scrolls, figures, symbols or any other mark upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

(Ord. No. 84-012, § 4, 8-16-84)

Sec. 16.1-2. License required.

It shall be unlawful for any person to engage in the business of operating a tattoo establishment without first obtaining a license to engage in such business in accordance with the provisions hereof.

(Ord. No. 84-012, § 1, 8-16-84)

Sec. 16.1-3. Application fee.

An application for a license shall be accompanied by a fee in the amount of twenty-five dollars (\$25.00) provided, however, that no application fee shall be required for renewal of an existing license. Any change of ownership shall require a new application and license, with payments of fees therefor.

(Ord. No. 84-012, § 2, 8-16-84)

Sec. 16.1-4. License fee.

The license fee for engaging in the business of operating a tattoo establishment within the city shall be one hundred dollars (\$100.00) per annum.

(Ord. No. 84-012, § 3, 8-16-84)

Sec. 16.1-5. Health and sanitary requirements.

Each person who operates a tattooing establishment shall comply with the following requirements:

- (1) The room in which tattooing is done shall have an area of not less than one hundred (100) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.
- (2) A toilet shall be located in the establishment and shall be accessible at all times that the tattooing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels.
- (3) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a panel at least six (6) feet or 1.83 meters high or by a door.
- (4) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.
- (5) The operator shall wash his hands thoroughly with soap and water before starting to tattoo; the hands shall be dried with individual, single-use towels.
- (6) No tattooing shall be done on any skin surface that has rash, pimples, boils, infections or manifests any evidence of unhealthy conditions.
- (7) No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark,

scar or tattoo.

- (8) Safety razors with a new, single-service blade for each customer or patron or a straight-edge razor may be used and shall be thoroughly cleaned and sterilized before use on each customer or patron.
- (9) The area to be tattooed shall first be thoroughly washed for a period of two (2) minutes with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of seventy (70) per cent alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument.
- (10) Only petroleum jelly in collapsible metal or plastic tubes, or its equivalent as approved by the health officer, shall be used on the area to be tattooed and it shall be applied with sterile gauze.
- (11) The use of styptic pencils, alum blocks, or other solid styptics to check the flow of blood is prohibited.
- (12) Inquiry shall be made, and anyone giving a history of recent jaundice or hepatitis may not be tattooed.
- (13) Single-service or individual containers of dye or ink shall be used for each patron and the container therefor shall be discarded immediately after completing work on a patron and any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual sterile sponge or a disposable paper tissue which shall be used only on one person and then immediately discarded. After completing work on any person, the tattooed area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the health officer, or a seventy (70) per cent alcohol solution. The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive.

(Ord. No. 84-012, § 5, 8-16-84)

Sec. 16.1-6. Care of instruments.

- (a) *Storing of instruments.* All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.
- (b) *Sterilizing of instruments.* A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer, person or patron (alternate sterilizing procedures may only be used when specifically approved by the health officer). Sterilization of equipment will be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of two hundred forty (240) degrees Fahrenheit or one hundred sixteen (116) degrees Celsius.
- (c) *Use of instruments.* The needles and instruments required to be sterilized shall

be so used, handled and temporarily placed during tattooing so that they will not be contaminated.

(Ord. No. 84-012, § 6, 8-16-84)

Sec. 16.1-7. Records.

Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing operation begins, the patron or customer shall be required personally to enter, on a record form provided for such establishment, the date, his or her name, address, age, serial number if a member of the armed forces, and his or her signature. Such records shall be maintained in the tattoo establishment and shall be available for examination by the health officer. Records shall be retained by the operator or licensee for a period of not less than two (2) years. In the event of a change of ownership, or closing of the business, all such records shall be made available to the health officer.

(Ord. No. 84-012, § 7, 8-16-84)

Sec. 16.1-8. Infections.

No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed. All infections resulting from the practice of tattooing which become known to the operator shall promptly be reported to the health officer by the person owning or operating the tattooing establishment, and the infected client shall be referred to a physician.

(Ord. No. 84-012, § 8, 8-16-84)

Sec. 16.1-9. Pigments; dyes.

All pigments, dyes, colors, etc., used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances, and the pigments, dyes and colors used from stock solutions for each customer or patron shall be placed in a single-service receptacle and such receptacle and remaining solution shall be discarded after use on each customer or patron.

(Ord. No. 84-012, § 9, 8-16-84)

Sec. 16.1-10. Bandages and surgical dressings.

All bandages and surgical dressings used in connection with the tattooing of a person shall be sterile.

(Ord. No. 84-012, § 10, 8-16-84)

Sec. 16.1-11. Certificate of inspection.

An applicant for a license to operate a tattooing establishment shall first obtain a certificate of inspection from the health officer, indicating the establishment has been inspected and is in compliance with the provisions of this chapter.

(Ord. No. 84-012, § 11, 8-16-84)

Sec. 16.1-12. Inspections.

The health officer may conduct periodic inspections of any tattooing establishment for the purpose of determining whether or not said establishment and the persons performing the art of tattooing therein are in compliance with all applicable health provisions contained within this chapter and other pertinent ordinances. It shall be unlawful for any person or operator of a tattooing establishment willfully to prevent or restrain the health officer from entering any licensed establishment where tattooing is being performed for the purpose of inspecting said premises, after proper identification is presented to the operator.

(Ord. No. 84-012, § 12, 8-16-84)

Sec. 16.1-13. Penalty.

In addition to the revocation and suspension of any license, any person violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 84-012, § 13, 8-16-84)

Chapter 17 TAXATION*

***Editor's note:** References in this chapter to "clerk-treasurer" should read "director of finance" inasmuch as it is the director of finance who is charged with the administration of occupational business license taxes and special licenses. This change will be made as pages are pulled for supplementation.

Cross references: Any taxation ordinance saved from repeal, § 1-6(12); administration, ch. 2; imposition of transient room tax, § 2-279.

State law references: Finance and revenue of cities other than the first class, KRS ch. 92; general power of cities to tax, KRS 92.280.

- Art. I. In General, §§ 17-1--17-15
- Art. II. Occupational License Taxes, §§ 17-16--17-74
- Art. III. Special Licenses, §§ 17-75--17-87
- Art. IV. License Fees on Insurance Companies, §§ 17-88--17-100
- Art. V. Waiver of Taxes, §§ 17-101--17-105

ARTICLE I. IN GENERAL

Sec. 17-1. Assessments.

Property shall be assessed for ad valorem taxes under the provisions of KRS 132.285 by copying the county assessment.

(Code 1966, § 33.9)

Secs. 17-2--17-15. Reserved.

ARTICLE II. OCCUPATIONAL LICENSE TAXES*

***Editor's note:** Ord. No. 04-019, adopted Aug. 19, 2004, repealed the former Art. II, §§ 17-16--17-29, and enacted a new Art. II. Section catchlines have been added by the editor. The former Art. II pertained to similar subject matter and was derived from Ord. No. 76-001, §§ 1--8, 10, 12, 13, 15, adopted Feb. 19, 1976; Ord. No. 79-008, § 1, adopted Sept. 20, 1979; Ord. No. 81-006, § 1, adopted May 21, 1981; Ord. No. 83-04, § 2, adopted April 7, 1983; and Ord. No. 99-046, §§ 2--11, 13, 14, 16, adopted Nov. 18, 1999.

Cross references: Licensing of garage sales, § 12-18; licensing of pawnbrokers, § 13-46 et seq.

State law references: Authority to levy occupational taxes, KRS 92.281; license taxes, KRS ch. 137.

Sec. 17-16. Definitions.

The following expressions, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates or requires a different construction:

Business means any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. Business shall not include the usual activities of boards of trade, chambers of commerce, trade associations, or unions, or other associations performing services usually performed by trade associations or unions. Business shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes, or receipts of such unit, group or association, inures to the benefit of any private shareholder or other person.

Business entity means each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

City means the City of Georgetown, Kentucky.

Compensation means wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

- (1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and

- (2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.

Domestic servant means an individual employed to drive his employer in the capacity of a chauffeur or employed on the grounds or in the home of his employer in activities to care for or wait upon the employer, the employer's family or guests, or to care for the home, grounds, and/or vehicle of the employer or the employer's family or guests, not including such individuals who are employed by a cleaning service, personal nursing service, chauffeuring service or other entity which offers the services of its employees to the public.

Employee means any person who renders services to another person or business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency or instrumentality of any one (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

Employer means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that:

- (1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term employer means the person having control of the payment of such wages; and
- (2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term employer means such person.

Fiscal year means an accounting period of twelve (12) months ending on the last day of any month other than December.

Internal Revenue Code means the Internal Revenue Code in effect on December 31, 2003, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2003, that would otherwise terminate.

Net profit means gross income as defined in Section 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:

- (1) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;
- (2) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not

taxed;

- (3) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;
- (4) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and
- (5) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution, or the Constitution and statutory laws of the United States.

Person means every natural person, whether a resident or nonresident of the city. Whenever the word person is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to a corporations, shall mean the officers and directors thereof.

Return means any properly completed and, if required, signed form, statement, certification, declaration, or any other document permitted or required to be submitted or filed with the city.

Revenue commission means the Georgetown/Scott County Revenue Commission.

Sales revenue means receipts from the sale, lease, or rental of goods, services, or property.

Taxable net profit, in case of a business entity having payroll or sales revenue only in the city, means net profit as defined in this section.

Taxable net profit, in case of a business entity having payroll or sales revenue both within and without the city, means net profit as defined in this section, and as apportioned under section 17-17.

Taxable year means the calendar year or fiscal year ending during the calendar year, upon the basis of which net income is computed.

(Ord. No. 04-019, § 1, 8-19-04)

Sec. 17-17. Required.

- (a) Except as provided under section 17-18 of this article, every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the Kentucky Department of Revenue shall be required to file and pay to the city an occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured by one (1) percent of:
 - (1) All wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee;
 - (2) The net profit from business conducted in the city by a resident or nonresident business entity.

- (b) Every business entity engaged in any business in the city shall be required to apply for and obtain an occupational license from the city before the commencement of business or in the event of a change of business status. Licensees are required to notify the city of any changes in address, the cessation of business, or any other changes which render the information supplied to the city in the license application inaccurate.
- (c) Except as provided for in subsection (f) of this section, net profit shall be apportioned as follows:
 - (1) For business entities with both payroll and sales revenue within and without the city, by multiplying the net profit by a fraction, the numerator of which is the payroll factor, described in subsection (d) of this section, plus the sales factor, described in subsection (e) of this section, and the denominator of which is two (2); and
 - (2) For business entities with sales revenue within and without the city, by multiplying the net profit by the sales factor as set forth in subsection (e) of this section.
- (d) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the city based on the time the individual's service is performed within the city.
- (e) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the city during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.
 - (1) The sale, lease, or rental of tangible personal property is in the city if:
 - a. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or
 - b. The property is shipped from an office, store, warehouse, factory, or other place of storage in the city and the purchaser is the United States government.
 - (2) Sales revenue, other than revenue from the sale, lease, or rental of tangible personal property or the lease or rental of real property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the city and the denominator of which is the total time spent performing that income-producing activity.
 - (3) Sales revenue from the lease or rental of real property is allocated to the city if the real property is located within the city.
- (f) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the business entity's business

activity, if reasonable:

- (1) Separate accounting;
 - (2) The exclusion of any one (1) or more of the factors;
 - (3) The inclusion of one (1) or more additional factors which will fairly represent the business entity's business activity in the city; or
 - (4) The employment of any other method to effectuate an equitable allocation and apportionment of net profit.
- (g) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the city, the license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within the city. The license tax shall be computed by obtaining the percentage which compensation for work performed or services rendered within the city bears to the total wages or compensation paid or payable. In order for the city to verify the accuracy of a taxpayer's reported percentages under this subsection, the taxpayer shall maintain adequate records.
- (h) All partnerships, S corporations, and all other entities where income is "passed through" to the owners are subject to this article. The occupational license tax imposed in this article is assessed against income before it is "passed through" these entities to the owners.

(Ord. No. 04-019, § 2, 8-19-04)

Sec. 17-18. Exemptions.

- (a) Because of the undue burden of administration, no license tax imposed under section 17-17 of this article shall be required of domestic servants employed in private homes, or for temporary or casual farm labor.
- (b) No license tax imposed under section 17-17 of this article shall be required of a minister of religion who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect or religious organization, to teach and preach its religious doctrines or to administer its rites in public worship, in the performance of one (1) or more of those duties; however, it is not intended to exempt such ordained minister of religion from the necessity of paying a license tax for work done or services performed in the city in activities not connected with his regular duties as a minister of religion.
- (c) No license tax imposed under subsection 17-17(a)(2) of this article shall be required of nonresidents who sell farm products, other than trees, shrubs or ornamental plants, in the city, or nonresident owners who sell livestock in the city or who board their livestock in the city for breeding purposes.
- (d) No license tax imposed under this article is required of natural persons of the age of sixty-five (65) and older as to the first ten thousand dollars (\$10,000.00) of compensation earned by such persons in the city for work done or services performed or rendered in the city or the first ten thousand dollars (\$10,000.00) of net profit from business conducted in the city by such persons as a sole proprietor.

- (e) No license tax imposed under subsection 17-17(a)(2) of this article shall be required of any person or business entity authorized by the City of Georgetown, City of Stamping Ground, City of Sadieville, City of Oxford or the Scott County Fiscal Court to demonstrate, sell or offer for sale any goods, wares or merchandise at an annual, semiannual or other festival or arts and crafts show.
- (f) No license tax imposed under section 17-17 of this article is required of any compensation received by a member of the Kentucky National Guard for active duty training, unit training, assemblies and annual field training.
- (g) No license tax imposed under subsection 17-17(a)(2) of this article is required of any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, or any savings and loan association whether state or federally chartered.
- (h) No license tax imposed under section 17-17 of this article is required of any compensation received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections.
- (i) No license tax imposed under subsection 17-17(a)(2) of this article is required of Public Service Corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license tax on their net profit derived from the nonpublic service activities apportioned to the city.
- (j) No license tax imposed under subsection 17-17(a)(2) of this article is required of persons or business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the business of manufacturing or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of their net profit derived from the manufacturing or trafficking in alcoholic beverages.
- (k) No license tax imposed under subsection 17-17(a)(2) of this article is required of life insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky.

(Ord. No. 04-019, § 3, 8-19-04)

Sec. 17-19. Quarterly estimated tax payments.

- (a) Every business entity, other than a sole proprietorship, subject to a net profit tax imposed by the city shall make quarterly estimated tax payments on or before the fifteenth day of the fourth, sixth, ninth and twelfth month of each taxable year if the tax liability for the taxable year exceeds five thousand dollars (\$5,000).
- (b) The quarterly estimated tax payments required under subsection (a) of this section shall be based on the lesser of:
 - (1) Twenty-two and one-half (22 1/2) percent of the current taxable year tax liability;
 - (2) Twenty-five (25) percent of the preceding full year taxable year tax liability; or

- (3) Twenty-five (25) percent of the average tax liability for the three (3) preceding full taxable years' tax liabilities if the tax liability for any of the three (3) preceding full taxable years exceeded twenty thousand dollars (\$20,000.00).
- (c) Any business entity that fails to submit the minimum quarterly payment required under subsection (b) of this section by the due date for the quarterly payment shall pay an amount equal to twelve (12) percent per annum simple interest on the amount of the quarterly payment required under subsection (b) of this section from the earlier of:
 - (1) The due date for the quarterly payment until the time when the aggregate quarterly payments submitted for the taxable year equal the minimum aggregate payments due under subsection (b) of this section; or
 - (2) The due date of the annual return.

A fraction of month is counted as an entire month.

- (d) The provisions of this section shall not apply to any business entity's first full or partial taxable year of doing business in the city or any first taxable year in which a business entity's tax liability exceeds five thousand dollars (\$5,000.00).

(Ord. No. 04-019, § 4, 8-19-04)

Sec. 17-20. Overpayments; prepayments.

- (a) In the case where the tax computed under this article is less than the amount which has been declared and paid as estimated tax for the same taxable year, a refund shall be made upon the filing of a return.
- (b)
 - (1) Overpayment resulting from the payment of estimated tax in excess of the amount determined to be due upon the filing of a return for the same taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year;
 - (2) No refund shall be made of any estimated tax paid unless a complete return is filed as required by this article.
 - (3) At the election of the business entity, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(Ord. No. 04-019, § 5, 8-19-04)

Sec. 17-21. Computation generally; records; forms.

- (a) For purposes of this article computations of gross income and deductions therefrom, accounting methods, and accounting procedures shall be as nearly as practicable identical with those required for federal income tax purposes.
- (b) Every business entity subject to an occupational license tax governed by the provisions of this article shall keep records, render statements under oath, make returns, and comply with rules as the city from time to time may prescribe. Whenever the city deems it necessary, the city may require a business entity, by

notice served to the business entity, to make a return, render statements under oath, or keep records, as the city deems sufficient to determine the tax liability of the business entity.

- (c) The city may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.
- (d) Every business entity required to file IRS Form 1099-MISC with the Internal Revenue Service shall provide a copy of those Forms 1099-MISC to the city for work done or services performed or rendered within the city. The Forms 1099-MISC required to be filed with the city under this subsection shall be due on or before February 28 of the year following the close of the calendar year in which such payments were paid or payable.

(Ord. No. 04-019, § 6, 8-19-04)

Sec. 17-22. Dissolution, withdrawal of business from city.

If any business entity dissolves or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of net profit taxes or tax withheld for the period of that taxable year during which the business entity had net profit or tax withheld in the city.

(Ord. No. 04-019, § 7, 8-19-04)

Sec. 17-23. Computation of net profit.

If any business entity makes, or is required to make, a federal income tax return, the net profit shall be computed for the purposes of this article on the basis of the same calendar or fiscal year required by the federal government, and shall employ the same methods of accounting required for federal income tax purposes.

(Ord. No. 04-019, § 8, 8-19-04)

Sec. 17-24. Due dates for returns.

- (a) For purposes of the tax imposed under section 17-17(a)(2) of this article, all business entities' returns for the preceding taxable year shall be made by April 15 in each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the city or its agent the revenue commission.
- (b) Every business entity shall submit a copy of its federal income tax return at the time of filing its return with the city. Whenever, in the opinion of the city, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection a copy of all statements and schedules in support thereof. The city may also require copies of reports of adjustments made by the federal

government.

(Ord. No. 04-019, § 9, 8-19-04)

Sec. 17-25. Extensions.

- (a) The city may grant any business entity an extension of not more than six (6) months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the city and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the tax, requests the extension and pays the amount properly estimated as its tax.
- (b) If the time for filing a return is extended, the business entity shall pay, as part of the tax, an amount equal to twelve (12) percent per annum simple interest on the tax shown due on the return, but not previously paid, from the time the tax was due until the return is actually filed and the tax paid to the city. A fraction of a month is counted as an entire month.
- (c) The estimated tax required under this section is presumed properly estimated and the penalties provided for under subsection 17-33(a) of this article shall not apply if the taxpayer pays with the timely filed extension request fifty (50) percent or more of the tax liability as shown on the extended net profit return filed with the city and provided further that the extended net profit return is filed with the city and the additional tax and interest are paid to the city on or before the extended due date.

(Ord. No. 04-019, § 10, 8-19-04)

Sec. 17-26. Audits.

- (a) As used in this section and section 17-28, unless the context requires otherwise:

Conclusion of the federal audit means the date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity's federal income tax return become final and unappealable; and

Final determination of the federal audit means the revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

- (b) As soon as practicable after each return is received, the city may examine and audit the return. If the amount of tax computed by the city is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the city within five (5) years from the date the return was filed, except as otherwise provided in this subsection.
 - (1) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.
 - (2) In the case of a return where a business entity understates net profit or omits an amount properly includable in net profit, or both, which understatement or omission or both is in excess of twenty-five (25) percent of the amount of net profit stated in the return, the additional tax

may be assessed at any time within six (6) years after the return was filed.

- (3) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this subsection, or six (6) months from the date the city receives the final determination of the federal audit from the business entity, whichever is later.

The times provided in this subsection may be extended by agreement between the business entity and the city. For the purposes of this subsection, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

- (c) Every business entity shall submit a copy of the final determination of the federal audit within thirty (30) days of the conclusion of the federal audit.
- (d) The city may initiate a civil action for the collection of any additional tax within the times prescribed in subsection (b) of this section.

(Ord. No. 04-019, § 11, 8-19-04)

Sec. 17-27. Full amount of tax to be paid.

Except as provided under section 17-25 of this article the full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the city at the time prescribed for filing the tax return, determined without regard to any extension of time for filing the return.

(Ord. No. 04-019, § 12, 8-19-04)

Sec. 17-28. Refunds; credits.

- (a) No suit shall be maintained in any court to restrain or delay the collection or payment of any tax subject to the provisions of this article.
- (b) Any tax collected pursuant to the provisions of this article may be refunded or credited within two (2) years of the date prescribed by law for the filing of a return or the date the money was paid to the city, whichever is later, except that:
 - (1) In any case where the assessment period contained in section 17-26 has been extended by an agreement between the business entity and the city, the limitation contained in this subsection shall be extended accordingly.
 - (2) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this subsection or six (6) months from the conclusion of the federal audit, whichever is later.

For the purposes of this subsection and subsection (c) of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

- (c) Exclusive authority to refund or credit overpayments of taxes collected pursuant to this article is vested in the city.

(Ord. No. 04-019, § 13, 8-19-04)

Sec. 17-29. Tax withheld from employee compensation--Generally.

Every employer making payment of compensation to an employee shall deduct and withhold upon the payment of the compensation any tax imposed against the compensation by the city. Amounts withheld shall be paid to the city in accordance with section 17-30.

(Ord. No. 04-019, § 14, 8-19-04)

Sec. 17-30. Same--Payment by employer.

- (a) Every employer required to deduct and withhold tax under section 17-29 shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter make a return and report to the city the tax required to be withheld under section 17-29, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the city. Any employer withholding three hundred dollars (\$300.00) or more license tax during any quarter shall file a return and pay the license tax withheld monthly.
- (b) Every employer who fails to withhold or pay to the city any sums required by this article to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of section 17-29.
- (c) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the city sums required to be withheld under section 17-29. If the employer withholds but fails to pay the amounts withheld to the city, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.
- (d) Every employer required to deduct and withhold tax under section 17-29 shall annually on or before February 28 of each year complete and file on a form furnished or approved by the city a reconciliation of the tax required to be deducted and withheld under section 17-29. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information as determined by the city shall be submitted.
- (e) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and license tax deducted by the employer from the compensation paid to the employee for payment to the city during the preceding calendar year.

(Ord. No. 04-019, § 15, 8-19-04)

Sec. 17-31. Same--Liability of employer, corporate officers.

- (a) An employer shall be liable for the payment of the tax required to be deducted and withheld under section 17-29.
- (b) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to section 17-29 shall be personally and individually liable, both jointly and severally, for any tax required to be withheld under this article from compensation paid or payable to one (1) or more employees of any business entity, and neither the corporate dissolution or withdrawal of the business entity from the city nor the cessation of holding any corporate office shall discharge that liability of any person; provided that the personal and individual liability shall apply to each or every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this subsection who had no authority to collect, truthfully account for, or pay over any tax imposed by this article at the time that the taxes imposed by this article become or became due.
- (c) Notwithstanding the provision of subsections (a) and (b) of this section, every employee receiving compensation in the city subject to the tax imposed under section 17-17 shall be liable for the tax. In all cases where the employer does not withhold the tax imposed under this article from the employee, such employee or employees shall be responsible for filing with the city each quarter in the same manner as if they were the employer.

(Ord. No. 04-019, § 16, 8-19-04)

Sec. 17-32. Same--Overpayment.

- (a) Where there has been an overpayment of tax under section 17-29, refund or credit shall be made to the employer only to the extent that the amount of the overpayment was not deducted and withheld under section 17-29 by the employer.
- (b) Unless written application for refund or credit is received by the city from the employer within two (2) years from the date the overpayment was made, no refund or credit shall be allowed.
- (c) An employee who has compensation attributable to activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted the occupational license tax on the compensation attributable to activities performed outside the city to the city, may file for a refund within two (2) years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the city may confirm with the employer the percentage of time spent outside the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund.

(Ord. No. 04-019, § 17, 8-19-04)

Sec. 17-33. Penalties for violation of article.

- (a) A business entity subject to tax on net profit may be subject to a penalty equal to five (5) percent of the tax due for each calendar month or fraction thereof if the business entity;

- (1) Fails to file any return or report on or before the due date prescribed for filing or as extended by the city; or
- (2) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

The total penalty levied pursuant to this subsection shall not exceed twenty-five (25) percent of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25.00).

- (b) Every employer who fails to file a return or pay the tax on or before the date prescribed under section 17-30 may be subject to a penalty in the amount equal to five (5) percent of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not exceed twenty-five (25) percent of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25.00).
- (c) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to twelve (12) percent per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of month is counted as an entire month.
- (d) Every tax subject to the provisions of this article, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.
- (e) The city may enforce the collection of the occupational tax due under section 17-17 of this article and any fees, penalties, and interest as provided in subsections (a) through (d) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by the city in enforcing any provision of this article.
- (f) In addition to the penalties prescribed in the section, any business entity or employer who willfully fails to make a return, willfully makes a false return, or willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.
- (g) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this article of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.
- (h) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the city and required to be filed with the city by the provisions of this article, or by the rules of the city or by written request for information to the business entity by the city.
- (i) (1) No present or former employee of the city shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or

reports required to be filed with the city or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the city from testifying in any court, or from introducing as evidence returns or reports filed with the city, in an action for violation of the city tax laws or in any action challenging the city tax laws.

- (2) Any person who violates the provisions of paragraph (1) of this subsection by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not longer than six (6) months, or both.
- (3) Any person who violates the provisions of paragraph (1) of this subsection by divulging confidential taxpayer information shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both.
- (j) The city reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information and rights to inspect any of the books and records of the city if the Commissioner of Revenue of the Commonwealth of Kentucky grants the city the reciprocal right to obtain information from the files and records of the Kentucky Department of Revenue and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on such information in such a manner as not to reveal data respecting net profit or compensation of any person or business entity.
- (k) In addition, the city is empowered to execute similar reciprocity agreements as described in subsection (j) of this section with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this article.

(Ord. No. 04-019, § 18, 8-19-04)

Sec. 17-34. Effective date.

The license taxes imposed by this article are carried over from Ordinance 2003-026, and as such are effective for tax years beginning on or after January 1, 2004, and shall remain in force and effect until repealed or modified according to law.

(Ord. No. 04-019, § 19, 8-19-04)

Sec. 17-35. Severability.

The provisions of this article are severable. If any sentence, clause or section or part of this article or the application thereof to any particular case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses, or sections

or parts of this article, it being the legislative intent of this body to ordain and enact each provision, section, paragraph, sentence, and part hereof separately and independently of each other.

(Ord. No. 04-019, § 20, 8-19-04)

Sec. 17-36. Revenue commission authorized to act as agent of city.

The revenue commission shall collect the license fees or taxes imposed by the city as agent for the city. The revenue commission is authorized to act as agent of the city on its behalf and has all the powers of the city to collect the fees or taxes imposed under the provisions of this article, including but not limited to interpreting the license tax provisions of the city, promulgating regulations (subject to city council approval) and issuing tax forms and instructions as necessary to aid in the collection and reporting of license taxes and all other powers granted to the revenue commission by the interlocal cooperation agreement dated November 11, 2003, as amended from time to time, between and among the Scott County Public School District, the city and Scott County.

(Ord. No. 04-019, § 21, 8-19-04)

Secs. 17-37--17-74. Reserved.

ARTICLE III. SPECIAL LICENSES

Sec. 17-75. Schedule.

The city council finds the following enterprises are of such a nature, i.e. generate extraordinary traffic, necessitate inordinate police activity, as to require special regulation and supervision. The police license fees set out below are imposed on every person involved in the business, occupation, calling or profession (activity) named in this section. Persons engaged in a designated activity shall pay the regulatory fee to the city director of finance in advance in the case of enterprises not operating throughout the year or on or before the beginning of the fiscal year for enterprises in continuous operation

- (1) *Amusements.* Amusement, athletic contest, or entertainment not a part of a duly licensed business or not held in a regularly licensed theater or in a publicly owned or religious building, and not sponsored by a bona fide civic, patriotic, religious or educational organization shall pay a license fee of fifty dollars (\$50.00) per show or event, or, at the option of the owner or operator, pay an annual license fee of two hundred dollars (\$200.00) such fee to be paid prior to the show, or, if paying on an annual basis, prior to operation and prior to the each anniversary of operation.
- (2) *Carnivals.* Every person engaged in the business of operating a carnival regardless of local sponsorship shall pay a license fee of two hundred fifty dollars (\$250.00) per day that the carnival is operating in the city.
- (3) *Circuses.* Every person who engages in the business of operating a circus, regardless of local sponsorship shall pay a fee of two hundred (\$200.00) per show.

- (4) *Dance halls.* Each dance hall in the city shall pay a license fee of fifty dollars (\$50.00) per year or ten dollars (\$10.00) per dance. Any place of business held open to the general public where patrons are permitted to dance shall be deemed a dance hall within the meaning of this subsection.
- (5) *Dealers in firearms.* Every person who engages in the business of buying, selling or trading in firearms of any type shall pay an annual fee of one hundred fifty (\$150.00).

"Dealers in firearms" shall include flea markets and pawnbrokers which, as a significant part of their business, or, in the case of flea markets, the business of their vendor or vendors. The regulatory fee for dealers in firearms shall be assessed to flea markets and pawnbrokers in addition to the regulatory fees otherwise required under paragraphs (6) and (8).

- (6) *Flea markets.* Every person who operates or conducts a flea market shall pay an annual license fee of twelve hundred dollars (\$1,200.00). An owner or operator of a flea market shall be deemed to be any legal entity which owns, leases, uses or occupies any public place and who lets or rents spaces therein to any other individual for the sale or trading of any merchandise, goods or wares to the public.

Excluded from this paragraph are the antique mall type businesses located in the downtown area of the city. These businesses, while generally fitting the definition of "flea market", do not require the additional municipal services like the larger weekend flea markets located in the highway commercial areas of town. The antique mall type businesses ordinarily rent vendors' space for longer terms resulting in less frequent turnover of merchandise as compared to the flea markets. At least partially related to this difference, the city has not experienced additional municipal service costs as a result of these businesses. The traffic generated by these businesses is spread over a longer time. The parking required for these businesses is accommodated by the available parking throughout the downtown.

See paragraph (5) above, for applicability of additional fee.

- (7) *Itinerant merchants.* Every person who shall engage in, do, or transact any temporary or transient business in the city, for the sale of any goods, wares or merchandise, and who, for the purpose of carrying on such business, shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, lot, boat, or public room or any part thereof, including rooms in hotels, lodging houses, or in any street, alley, or other public place, or elsewhere, for a period of less than one (1) year for the exhibition of or sale of such goods, wares or merchandise shall pay a license fee of one hundred fifty dollars (\$150.00). No person shall be exempt from the payment of the license imposed by this section by reason of a temporary association with any local merchant, dealer, or trader or by reason of conducting such temporary or transient business in connection with or as a part of the business in the name of any local merchant, dealer or trader. Vendors who temporarily setup a booth to sell any goods or services as part of a festival, e.g. rental of a booth during

the Festival of the Horse, shall not pay a separate fee under this section. In lieu of the fee which would otherwise be due for each of the vendors under this section, the sponsor of the festival shall be responsible for the payment of a one-time fee of three hundred dollars (\$300.00).

- (8) *Pawnbrokers.* A pawnbroker shall pay an annual license fee of two hundred fifty dollars (\$250.00). See paragraph (5) above, for applicability of additional fee.
- (9) *Peddlers and solicitors.* Every natural person engaged in peddling any goods, wares or merchandise of any kind or soliciting orders therefor in the city shall pay an annual license fee of twenty-five dollars (\$25.00) annually.

(Ord. No. 76-001S, § 1, 4-1-76; Ord. No. 78-008, § 1, 7-10-78; Ord. No. 85-003, §§ 2, 3, 5-17-85; Ord. No. 00-009, § 1, 3-2-00; Ord. No. 03-027, § 1, 9-16-03)

Sec. 17-76. Reserved.

Editor's note: Ord. No. 00-009, § 2, adopted March 2, 2000, amended the Code by repealing former 17-76 in its entirety. Former § 17-76 pertained to prorated licenses, and derived from Ord. No. 76-001S, adopted April 1, 1976.

Secs. 17-77--17-87. Reserved.

ARTICLE IV. LICENSE FEES ON INSURANCE COMPANIES*

***Editor's note:** Ord. No. 84-017, adopted November 15, 1984, was nonamendatory of the Code and has been treated as superseding the provisions of §§ 17-88--17-92. The aforesaid sections were concerned with similar provisions and derived from Ord. No. 82-003, §§ 1--6, enacted May 20, 1982, and Ord. No. 84-005, enacted May 17, 1984.

Sec. 17-88. Established.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the City of Georgetown for the calendar year 1985 and thereafter on a calendar year basis.

(Ord. No. 84-017, § 1, 11-15-84)

Sec. 17-89. Fees.

- (a) The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the City of Georgetown shall be five (5) per cent of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.
- (b) The license fee imposed upon each insurance company which issues any

insurance policy which is not a life insurance policy shall be five (5) per cent of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the City of Georgetown on those classes of business which such company is authorized to transact, less all premiums returned to policy holders; however, any license fee or tax imposed upon premiums receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Worker's Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2).

(Ord. No. 84-017, §§ 2, 3, 11-15-84)

Sec. 17-90. Due date.

All license fees imposed by this article shall be due no later than thirty (30) days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).

(Ord. No. 84-017, § 4, 11-15-84)

Sec. 17-91. Written documentation required.

Every insurance company, subject to the license fees imposed by this article shall annually, by March 31, furnish the City of Georgetown with a written breakdown of all collections in the preceding calendar year for the following categories of insurance: (a) Casualty; (b) automobile; (c) inland marine; (d) fire and allied perils; (e) health and (f) life.

(Ord. No. 84-017, § 5, 11-15-84)

Sec. 17-92. Use of fees.

The money derived from the license fee herein levied shall be used for general municipal purposes and shall be paid into the general fund of the city.

(Ord. No. 84-017, § 7, 11-15-84)

Secs. 17-93--17-100. Reserved.

ARTICLE V. WAIVER OF CITY TAXES*

***Editor's note:** Ord. No. 90-006, § 1--5, adopted May 3, 1990, did not specifically amend the Code; hence, its inclusion herein as Art. V, §§ 17-101--17-105 was at the discretion of the editor.

Sec. 17-101. Purpose.

This article establishes the procedure through which the city council may waive

any or all city taxes on any new manufacturing establishments. There shall be no waivers except through this process.

(Ord. No. 90-031, § 1, 12-13-90)

Sec. 17-102. Procedure.

Any manufacturing establishment, other than those already located within the city limits of Georgetown, may qualify for a waiver of city taxes. In order to obtain a waiver of any city taxes the manufacturing establishment must be recommended to the city council by the mayor. In open session, the city council shall consider the following issues:

- (1) Whether the proposed establishment is a manufacturing establishment as contemplated under Section 170 of the Kentucky Constitution and K.R.S. 91.260 and K.R.S. 92.300; and
- (2) Whether the location of the proposed manufacturing establishment within the City of Georgetown would be beneficial and consistent with the best interest of the city; and
- (3) Whether an inducement in the form of a city tax waiver is necessary to the location of the proposed manufacturing establishment within the City of Georgetown.

(Ord. No. 90-031, § 2, 12-13-90)

Sec. 17-103. Term of waiver.

The term of any waiver of city taxes under this article shall not exceed five (5) years.

(Ord. No. 90-031, § 3, 12-13-90)

Sec. 17-104. Eligible manufacturing establishments.

Only those manufacturing establishments currently located outside of the City of Georgetown are eligible to receive a tax waiver under this ordinance. The locational requirement is satisfied by an existing manufacturing establishment located within Scott County as an inducement to consent to annexation. Existing manufacturing establishment within the city are not eligible for this exemption.

(Ord. No. 90-031, § 4, 12-13-90)

Sec. 17-105. Limits of authority.

The taxes which may be waived pursuant to this article are those payable by the eligible manufacturing establishment. Taxes which are collected by the establishment cannot be waived under this article.

(Ord. No. 90-031, § 5, 12-13-90)

Chapter 18 TRAFFIC AND MOTOR VEHICLES*

***Cross references:** Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones or flow of traffic generally saved from repeal, § 1-6(13); police department, § 2-146 et seq.; streets, sidewalks and other public places, ch. 15.

State law references: Parking enforcement, KRS 82.600; licensing of motor vehicles, operators and trailers, KRS ch. 186; automated motor vehicle registration, KRS ch. 186A; financial responsibility law, KRS ch. 187; nonresident motorists, service of process, KRS ch. 188; traffic regulations and vehicle equipment and storage, KRS ch. 189; motor vehicle sales, KRS ch. 190.

Art. I. In General, §§ 18-1--18-25
Art. II. Parking, Stopping and Standing, §§ 18-26--18-70
 Div. 1. Generally, §§ 18-26--18-45
 Div. 2. Municipal Parking Lots, §§ 18-46--18-59
 Div. 3. Residential Parking Permit Program, §§ 18-60--18-70
Art. III. Truck Routes, §§ 18-71--18-90
Art. IV. Enforcement, §§ 18-91--18-99

ARTICLE I. IN GENERAL*

***Editor's note:** Ord. No. 85-001, §§ 2--10, adopted January 3, 1985, did not specifically amend the Code; therefore, inclusion as §§ 18-11--18-19 was at the discretion of the editor.

Sec. 18-1. Vehicle defined.

The word "vehicle," for the purposes of this chapter, includes all agencies for the transportation of persons or property over or upon the public highways of this city and all vehicles passing over or upon the highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails. "Motor vehicle" includes all vehicles as defined above which are propelled otherwise than by muscular power.

(Code 1966, § 72.1)

Cross references: Definitions and rules of construction generally, § 1-2.

State law references: Similar definition, KRS 189.010.

Sec. 18-2. Scope of regulations.

Every person propelling a push cart, riding a bicycle or animal upon the streets of the city and every person driving an animal drawn vehicle shall be subject to the provisions of this chapter and any regulations, made hereunder.

(Code 1966, § 72-2)

Sec. 18-3. Powers of council; designation of traffic-control devices.

The city council may at any regular or special meeting designate and determine parking and loading zones for passenger and freight vehicles; determine and designate parking meter zones; establish traffic lanes, safety zones and quiet zones; determine and fix the angle of and time limit for parking upon streets and parts thereof, adopt rules prohibiting or allowing double parking; determine and designate one-way streets, no parking areas and limited parking areas; place and maintain traffic-control devices where it may deem necessary to regulate traffic; determine and designate those intersections at which vehicles shall not make right or left or "U" turns; make rules governing pedestrian crossing of streets and street intersections; and make any other rules and regulations as it may deem necessary to regulate traffic and the use of streets. Such rules and regulations shall be spread at large upon the minutes of the council and shall be open to public inspection at all times, and the rules and regulations as made by the council from time to time are the laws of the city governing such traffic regulations; and any person who violates any of the provisions thereof shall be subject to punishment as hereinafter provided in section 18-99.

(Code 1966, § 72.5)

Sec. 18-4. Placement of signs and signals.

The council shall direct the chief of police to erect and maintain appropriate signs, devices, marks and lines upon the streets to indicate to the public the traffic regulations as laid down by the council.

(Code 1966, § 72.6)

Sec. 18-5. Police to direct traffic in emergency.

In case of a fire, funeral, unusual traffic congestion or emergency, the police officers may direct the traffic as they deem necessary and proper under such circumstances.

(Code 1966, § 72.7)

State law references: Complying with traffic officer's signal, KRS 189.393.

Sec. 18-6. Obedience to signs and signals.

It shall be unlawful to fail to obey signs and signals placed under the authority of this chapter unless otherwise instructed by a traffic officer at the location of such sign or signal.

(Code 1966, § 72.9)

Sec. 18-7. "Slow-Children" signs.

"Slow-Children" signs shall be placed in heavily populated residential areas, and on streets near the city schools, under the direction of the chief of police.

(Code 1966, § 72.10)

Sec. 18-8. Maximum speed on city streets.

Where no condition exists that requires lower speed for compliance with state law or this code, the speed of any vehicle, by whatever means propelled, shall not exceed twenty-five (25) miles per hour on any and all of the streets and public ways of the city, at all times except as otherwise posted.

(Code 1966, § 72.16)

State law references: Fixing of speed limits, KRS 189.390.

Sec. 18-9. Signs to indicate speed limits.

The speed limits herein established and the speed zones shall be marked by appropriate signs, and signs or markers shall be placed at the intersections to the school zone during school hours, except on state highways.

(Code 1966, § 72.17)

Sec. 18-10. Riding on outside of vehicle.

- (a) It shall be unlawful for any person to ride on, stand on or sit on or cling to the outside of any vehicle while the same is in motion.
- (b) It shall be unlawful for any driver, owner or manager of any vehicle, to permit any person to ride on or stand on or cling to the outside of any vehicle while the same is in motion.

(Code 1966, §§ 72.35, 72.36)

Sec. 18-11. Notice of parking violation.

Owners of vehicles who permit that vehicle to be in violation of the parking ordinance, codified at sections 18-26 through 18-39 of Chapter 18 of the Code of City Ordinances, shall be notified of the violation by the issuance of a citation in form approved by the chief of police which shall be conspicuously affixed to the vehicle. The form of notice shall be prepared by the police department and contain the following information:

- (1) A statement of the specific parking violation for which the citation was issued;
- (2) A statement that "for the designated violation a fine in the amount set out below is due and payable to the city within seven (7) days of the date of the citation. Fines which are not paid on or before the seventh day after the citation is issued shall be enhanced as set out below." The notice shall provide appropriate instructions on the payment of the fine.
- (3) A statement that the vehicle owner shall be summoned to Scott District Court for the violation in the event the applicable fine and penalty are not paid within thirty (30) days of the date of the citation. If summoned to Scott District Court, the owner may be assessed fines and court costs.

(Ord. No. 94-034, § 2, 11-3-94; Ord. No. 01-003, § 2, 3-15-01; Ord. No. 04-009, § 2, 4-15-04)

Sec. 18-12. Fines.

The owner of any motor vehicle parked, standing or stopped in violation of sections 18-26 through 18-39 of Chapter 18 of the City's Code of Ordinances shall be cited for that violation, which citation shall be punishable by fines as follows:

Overtime parking:

First offense . . . \$ 5.00

Second offense, within thirty (30) days . . . 5.00

Third offense, within thirty (30) days . . . 25.00

Fourth offense, within thirty (30) days . . . 50.00

All subsequent offenses within six (6) months of date of first offense) . . . 50.00

Handicapped parking . . . 50.00

Blocking alley . . . 10.00

Blocking driveway . . . 10.00

Parking prohibited . . . 10.00

Fire lane . . . 10.00

Tow zone . . . 10.00

Fire hydrant . . . 10.00

Double parking . . . 10.00

Improper parking . . . 10.00

Yellow curb . . . 10.00

Loading zone . . . 10.00

(Ord. No. 94-034, § 3, 11-3-94; Ord. No. 01-003, § 3, 3-15-01; Ord. No. 04-009, § 3, 4-15-04)

Sec. 18-13. Time and location for paying fines and penalties.

For each violation the fine set out above is due and payable to the city within seven (7) days of the date of the citation. Violations for which the applicable fine is not paid on or before the seventh day shall carry a fine double the amount set out above. As an example, a five-dollar fine for first or second offense overtime parking, if not paid within seven (7) days, will carry a ten-dollar fine; a fifty-dollar fine for fourth offense overtime parking, if not paid within seven (7) days, will carry a one-hundred-dollar fine. All fines shall be payable at the designated boxes provided at 100 Court Street or the police department at 550 Bourbon Street.

(Ord. No. 94-034, § 4, 11-3-94; Ord. No. 01-003, § 4, 3-15-01; Ord. No. 04-009, § 4, 4-15-04)

Sec. 18-14. Penalty for failure to pay parking fines and penalties.

The penalties for violations of sections 18-11 through 18-15 are imposed upon the owner of the vehicle. The operator of the vehicle is not always the owner, but the owner is responsible for the lawful operation of his or her vehicle when entrusted to another. Failure of the vehicle owner to pay the designated fine and penalties within the period set out in section 18-13, above, shall constitute a violation as defined by the Kentucky Penal Code, punishable by fine of up to one hundred dollars (\$100.00) for each separate violation. This fine shall be in addition to fines and penalties provided above.

(Ord. No. 94-034, § 5, 4-21-94; Ord. No. 01-003, § 5, 3-15-01; Ord. No. 04-009, § 5, 4-15-04)

Sec. 18-15. Impoundment.

The city may impound any vehicle parked, stopped or standing in violation of Chapter 18 of the Code of Ordinances.

(Ord. No. 94-034, § 6, 4-21-94; Ord. No. 04-009, § 6, 4-15-04)

Secs. 18-16--18-19. Reserved.

Editor's note: Ord. No. 94-030, §§ 1--6, adopted Nov. 3, 1994, repealed §§ 18-11--18-19 and enacted new provisions as set out in §§ 18-11--18-15. Former §§ 18-11--18-19 pertained to similar subject matter and derived from Ord. No. 85-001, §§ 2--10, adopted Jan. 3, 1985.

Sec. 18-20. Color of lights which a police vehicle may display.

The purpose of this section is to implement the option granted by KRS 189.920 allowing the local governing body to require, by ordinance, that the police vehicles in its jurisdiction be equipped with red and blue flashing, rotating or oscillating lights.

This measure is needed for the public welfare and safety by providing more visible vehicles to decrease the risk of injury during those times that police vehicles are required to respond to emergency situations following emergency procedures; therefore, the Georgetown City Police Department shall equip its vehicles with a combination of red and blue flashing, rotating or oscillating lights.

(Ord. No. 86-004, §§ 1, 2, 5-6-86)

Editor's note: Ord. No. 86-004, §§ 1, 2, adopted May 6, 1986, did not specifically amend the Code; therefore, inclusion as § 18-20 was at the discretion of the editor.

Secs. 18-21--18-25. Reserved.

ARTICLE II. PARKING, STOPPING AND STANDING*

*State law references: Parking regulations, KRS 189.430 et seq.

DIVISION 1. GENERALLY

Sec. 18-26. Parking prohibited in certain places.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign, in any of the following places; in or on a sidewalk, in front of a public or private driveway, within five (5) feet of a fire hydrant, within an intersection, on a crosswalk, where a curb is wholly painted, and any place where official signs or markings prohibit stopping, standing and parking.

(Code 1966, § 74.1)

Sec. 18-27. Parking at curb.

No vehicle unless in an emergency, or to allow other vehicles or pedestrians to cross its path, shall be stopped or parked in any public street except near the right-hand curb thereof and so as not to obstruct a crossing.

(Code 1966, § 74.2)

Sec. 18-28. Parking within lines.

All persons shall park and operate their vehicle in accordance with the regulations herein, and all parking shall be done within the marked lines for parking purposes with the wheels of the car or vehicle inside the lines, and no wheel shall be on or across the lines.

(Code 1966, § 74.3)

Sec. 18-29. Parking with left side to curb.

No vehicle shall be stopped with the left side to the curb except on a one-way street.

(Code 1966, § 74.4)

Sec. 18-30. Double parking.

- (a) Double parking of any vehicle on the streets, avenues, alleys or any other public ways in the city is hereby prohibited.
- (b) For the purposes of this section, the term "double parking" as used above shall mean the alighting from and leaving unattended a vehicle in a parking lane, or with another vehicle or space for another vehicle between it and the curb, sidewalk or shoulder of the street. For the purposes of this section, the term "vehicle" as used above shall mean any automobile, truck or other power-driven conveyance excepting only such buses, trucks larger than one ton and semitrailers which are parked for the purpose of unloading.

(Code 1966, § 74.5)

Sec. 18-30.1. Using parking space of opposing traffic prohibited.

- (a) *Proscribed activity.* It shall be unlawful for a person operating a motor vehicle on the streets of this city, to cross opposing traffic in order to park that vehicle in a parking space.
- (b) *Citations.* The police department is authorized and directed to issue parking citations for violations of this section.

(Ord. No. 96-006, §§ 1, 2, 2-1-96)

Editor's note: Ord. No. 96-006, §§ 1, 2, adopted Feb. 1, 1996, was nonamendatory of the Code; hence, inclusion herein as § 18-30.1 was at the discretion of the editor.

Sec. 18-31. Trucks, trailers, equipment and disabled vehicles.

- (a) The parking of trucks, trailers, equipment and disabled automobiles is hereafter prohibited upon any of the streets of the city except for the purpose of loading or unloading or other legitimate business purpose of any truck.
- (b) For the purposes of this section, the words used herein shall have the following meaning:
 - (1) "Parking" shall mean the leaving of a vehicle unattended, except while loading, unloading, or being utilized for some other proper purpose.
 - (2) "Truck" shall mean any truck vehicle of above one-ton rating.
 - (3) "Trailer" shall mean any trailer, lowboy or semitrailer.
 - (4) "Equipment" shall mean any equipment, tool or machinery mounted on wheels or tracks.
 - (5) "Disabled vehicle" shall mean any automotive vehicle which will not move under its own power.

(Code 1966, §§ 74.6, 75.5; Ord. No. 83-001, § 1, 1-6-83)

Sec. 18-32. Vehicles parked for display, repair or sale.

- (a) No person shall place or leave any vehicle of any kind on any public way for the purpose of work, repairing, display, sale or storage.
- (b) Nothing herein shall prevent persons from parking their personal vehicles where they do so for the purpose of shopping or going to and from work; but such privilege shall extend only to vehicles ordinarily used by them for such purposes, and provided further, that such persons shall observe all traffic and meter regulations which shall be in force.
- (c) When any vehicle, which is not personally operated or driven by the owner or person in charge thereof for ordinary use in business or pleasure, is placed on the public ways, it shall be presumed that it is so placed for purpose of repair, work, display, sale or storage.

(Code 1966, § 74.7)

Sec. 18-33. Leaking oil or gas.

It shall be unlawful to park a vehicle on any of the improved streets covered with asphalt, if same is permitted to leak any oil or gasoline while in the parking zone.

(Code 1966, § 74.8)

Sec. 18-34. Loading zones.

- (a) There shall be no parking in any loading and unloading zone, but same shall be used only for such loading and unloading purposes; however, this section shall not be construed so as to prohibit temporary loading and unloading by the adjacent property owners or tenants for loading and unloading persons and materials to and from their places of business.
- (b) The chief of police is hereby authorized and directed to enforce this section by curb painting or erection of appropriate signs.

(Code 1966, § 74.9)

Sec. 18-35. Changing parking spaces prohibited.

The parking of any automobile or vehicle on any street where there is a time limit for parking, and the removal thereof from one limited place to another such space for the purpose of avoiding the time limitation shall be unlawful.

(Code 1966, § 74.10; Ord. No. 87-001, § 3, 2-5-87)

Sec. 18-36. Doctor parking.

The chief of police shall designate and set apart to each and every medical doctor for the use of his own car, one space upon the street in front of or near his office, for the exclusive parking of his car, which space so designated and set apart for such doctors shall be designated by appropriate signs, and any person using the space, shall be subject to the same fine as hereinafter provided.

(Code 1966, § 74.11)

Sec. 18-37. Church parking.

- (a) The police department shall paint lines for the existing parallel parking spaces on streets surrounding the area of the Baptist, Christian, Episcopalian, and Methodist Churches, so that the parking space will be observed and clearly marked, with the understanding that the churches will furnish the paint and brushes.
- (b) The spaces shall be regarded as legal parking spaces and this regulation shall be enforced with the same penalties as hereinafter provided.

(Code 1966, § 74.12)

Sec. 18-38. Parking privileges for handicapped.

- (a) There is hereby declared a need for special parking privileges for the exclusive

use and benefit of handicapped persons upon the streets of the city.

- (b) The council may designate, by appropriate sign or marking, that a single space is reserved for the parking of vehicles being operated by or for the benefit of a handicapped person.

(Ord. No. 76-016, 10-21-76)

Sec. 18-38.1. Regulation of handicapped parking.

- (a) This article shall apply to all persons required by applicable ordinance, statute or law to provide off-street parking.

- (b) *Required number of accessible parking spaces.*

- (1) Where public parking spaces are provided, the minimum number of accessible parking spaces shall be in accordance with the following table:

PARKING SPACES

TABLE INSET:

Total No. of Spaces. of Required Accessibl e Spaces	
1 to 25	
25 to 50	
51 to 75	
76 to 100	
101 to 150	
151 to 200	
201 to 300	
301 to 400	
401 to 500	
500 or over	% of total, 20 plus 1 for each 200 over 1,000

- (2) a. Where only one (1) accessible parking space is required by the table in subsection (1) of this section, that space shall conform to the requirements of a van accessible space, as defined in subsection (d)(1) of this section.
- b. Where multiple accessible parking spaces are required, the first space of each eight (8) spaces required shall conform to the requirements of a van accessible space, as defined in subsection

(d)(1) of this section.

(c) *Dimensions of accessible parking spaces (car).*

- (1)
 - a. Parking spaces for disabled people travelling in cars shall be at least eight (8) feet (two thousand four hundred thirty-eight (2,438) millimeters) wide and eighteen (18) feet (five thousand four hundred eighty-six (5,486) millimeters) long.
 - b. The international symbol of accessibility (see Figure 1), measuring thirty-six (36) inches by thirty-six (36) inches (nine hundred fourteen (914) millimeters by nine hundred fourteen (914) millimeters), shall be painted in blue on the surface of each parking space at a point flush with the rear of the accessible space (see attached Figure 2).
- (2)
 - a. There shall be an adjacent access aisle at least five (5) feet (one thousand five hundred twenty-four (1,524) millimeters) wide and eighteen (18) feet (five thousand four hundred eighty-six (5,486) millimeters) long (see attached Figure 2).
 - b. Two (2) accessible parking spaces may share a common access aisle.

(d) *Dimensions for accessible parking spaces (vans).*

- (1)
 - a. Parking spaces for disabled people travelling in vans shall be at least eight (8) feet (two thousand four hundred thirty-eight (2,438) millimeters) wide and eighteen (18) feet (five thousand four hundred eighty-six (5,486) millimeters) long.
 - b. The international symbol of accessibility, measuring thirty-six (36) inches by thirty-six (36) inches (nine hundred fourteen (914) millimeters by nine hundred fourteen (914) millimeters), shall be painted in blue on the surface of each parking space at a point flush with the rear of the accessible space (see attached Figure 2).
- (2)
 - a. There shall be an adjacent access aisle at least eight (8) feet (two thousand four hundred thirty-eight (2,438) millimeters) wide and eighteen (18) feet (five thousand four hundred eighty-six (5,486) millimeters) long (see attached Figure 2).
 - b. Two (2) adjacent accessible parking spaces for disabled people travelling in vans may share a common access aisle.
 - c. An accessible parking space for a car and one (1) for a van may also share a common access aisle so long as the access aisle meets the specifications for van access aisles set forth in subparagraph (2)a. of this subsection.

(e) *Identifying signs and markings.*

- (1) Each accessible parking space shall be designated as reserved for the disabled by a sign showing the international symbol of accessibility.
 - a. The dimensions of the sign shall be at least twelve (12) inches by

- eighteen (18) inches (three hundred five (305) millimeters by four hundred fifty-seven (457) millimeters) and be placed at least four (4) feet (1.2 meters) from the surface from the parking lot.
- b. Such signs shall be above grade, mounted on a vertical pole or post at the head of each accessible parking space.
 - c. The signs indicating two (2) opposing accessible spaces may share a vertical pole or post.
- (2) a. At the head of each access aisle, there shall be a sign which states: "Handicapped Access Aisle: No Parking Anytime". The sign shall be fixed upon a vertical pole or post and shall measure at least twelve (12) inches by eighteen (18) inches (three hundred five (305) millimeters by four hundred fifty-seven (457) millimeters) and be placed at least four (4) feet (1.2 meters) from the surface from the parking lot.
- b. The surface of the access aisle shall be marked by stripes (see attached Figure 2).
- (3) The sign shall be constructed in a fashion reasonably calculated to be permanent.
- (4) Painted lines, colored blue, shall indicate all accessible parking spaces, including access aisles, perimeter and striping.
- (5) The owner of the property on which the above required accessible spaces and signs are located shall be responsible for maintaining that sign. In the event a sign is removed or damaged to the extent that the motoring public cannot distinguish the difference in a handicapped parking space, the owner shall repair or replace the sign within ten (10) days.
- (f) *Penalties for violation.* The penalty for violation of the above sections shall be five dollars (\$5.00), with each day constituting a separate offense, the penalty for unauthorized parking in an accessible space or an access aisle reserved for the handicapped shall be twenty dollars (\$20.00). Authorization for parking in a space reserved for the handicapped shall be obtainable only through compliance with state law.

GRAPHIC LINK: Figure 1. The International Symbol of Accessibility

GRAPHIC LINK: Figure 2. Handicapped Parking

(Ord. No. 92-031, §§ 1--7, 12-3-92)

Editor's note: Ord. No. 92-031, §§ 1--7, adopted Dec. 3, 1992, amended the Code to read as herein set out. Prior to inclusion of said ordinance, § 18-38.1 pertained to similar subject matter and derived from Ord. No. 90-013, §§ 1--5, adopted June 20, 1990.

Sec. 18-39. Zone limitations.

- (a) Upon enactment of this section, it shall be unlawful to park a vehicle for a length of time in excess of two (2) hours in all zones formerly designated as metered zones and marked by painted lines. It shall also be a violation to park a vehicle

for a length of time in excess of two (2) hours along that section of South Hamilton Street between Constitution and College Street.

- (b) A violation of subsection (a) shall constitute "overtime" or illegal parking as provided by this Code.

(Ord. No. 80-002, § 2, 2-21-80; Ord. No. 87-001, § 2, 2-5-87)

Sec. 18-40. Metered parking.

Metered parking shall be removed from all streets except the city parking lots, said lots being the area between Court Alley and North Hamilton Street, and on South Broadway.

(Ord. No. 87-001, § 1, 2-5-87)

Editor's note: Ord. No. 87-001, § 1, adopted February 5, 1987, did not specifically amend the Code; therefore, inclusion as § 18-40 was at the discretion of the editor.

Secs. 18-41--18-45. Reserved.

DIVISION 2. MUNICIPAL PARKING LOTS

Sec. 18-46. Designation of parking spaces.

The chief of police is directed and authorized to lay off and designate by marks and lines, spaces for driveways, passways and parking spaces on municipal parking lots.

(Code 1966, § 74.15)

Sec. 18-47. Parking within spaces.

Parking in the municipal parking lots shall be on only the single parking spaces designated and marked, and each car, truck or motor vehicle shall park as near the center of each single parking space as possible, and no part of the vehicle shall extend over and beyond the lines of marks of its parking space, onto another parking space, either on the surface or in the air.

(Code 1966, § 74.16)

Sec. 18-48. Obstruction of passageways.

The passways in municipal parking lots shall be kept open at all times, and there shall never be any parking on the passways, or in other places except the parking spaces marked.

(Code 1966, § 74.17)

Sec. 18-49. Parking on adjacent private property.

There shall be no parking on private property which adjoins the municipal parking

lots on the west, south and north beyond the boundaries or limits of the lot.

(Code 1966, § 74-18)

Sec. 18-50. Trucks prohibited.

Autos, trucks not to exceed one ton trucks or motor vehicles which will not extend any part, beyond each parking space, may be parked in each of the parking spaces in the municipal parking lots, not to exceed twenty-four (24) consecutive hours. Only autos, trucks and motor vehicles may be parked on the lots, and only such of these, whose treads will not injure or harm the surface of the lot.

(Code 1966, § 74.19)

Sec. 18-51. Trailers prohibited.

There shall be no parking of trailers on the municipal parking lots at any time.

(Code 1966, § 74.20)

Sec. 18-52. Commercial use prohibited.

There shall be no commercial use of a municipal parking lot except to load and unload vehicles serving adjacent properties except emergency repair work, such as changing tires.

(Code 1966, § 74.21)

Sec. 18-53. Trash.

No one shall throw paper, bottles, cans or trash on the municipal parking lots, or do any other act which affects adversely the appearance, cleanliness, safety or orderly operation of the parking lot.

(Code 1966, § 74.22)

Sec. 18-54. Use of lots may be suspended.

The use of the municipal parking lots for parking purposes may be temporarily suspended by the chief of police in case of an emergency for repairs or improvements, or by the city council by motion and used for any patriotic, community or civic purpose the council may decide is appropriate.

(Code 1966, § 74.23)

Secs. 18-55--18-59. Reserved.

DIVISION 3. RESIDENTIAL PARKING PERMIT PROGRAM

Sec. 18-60. Designation of streets for permit parking only.

The streets of Dudley Avenue, Clayton Avenue between Dudley and Hollyhock

Lane, Hollyhock Lane, and Jackson Street, between Dudley and Military Avenue, are designated as the college parking district and shall have parking permitted only as allowed by this division. These streets shall be restricted as follows:

TABLE INSET:

Jackson Street between Dudley and Military ^d , except for existing 24 hr. parking limit ¹	
Dudley Avenue permit only	
Clayton Avenue between Dudley and Hollyhock ^b , except for existing 24 hr. parking limit ²	
Hollyhock Lane, except for existing 24 hr. parking limit ³	

(Ord. No. 98-018, § 1, 8-20-98)

¹Jackson, the affected section of Clayton and Hollyhock front on property owned by the college, except for small area of Jackson. At the college's request and due to the difficulty of allocating permits otherwise available to the college, these parking spaces shall remain unrestricted and available to the general public on a first come basis.

²There is no parking allowed on the south side of Clayton Avenue in the affected area due to the narrowness of the street and the volume of traffic. This prohibition is not changed by this division.

³There is no parking allowed on the west side of Hollyhock Lane in the affected area due to the narrowness of the street. This prohibition is not changed by this division.

Sec. 18-61. Procedure for permitting parking on designated streets.

(a) *Intent and purpose of this division:* The provisions of this division are enacted for

the following reasons:

- (1) To reduce hazardous traffic conditions resulting from parking on the designated streets by persons not residing on those streets;
- (2) To protect the residents of these residential districts from unreasonable burdens in gaining access to their residences;
- (3) To preserve the character of these districts as residential districts;
- (4) To encourage the students of Georgetown College to use the on-campus parking facilities;
- (5) To preserve the value of the property in these residential districts;
- (6) To promote traffic safety and the safety of children and other pedestrians in these residential districts;
- (7) To avoid the dangers created by the blocking of fire hydrants and driveways and other facilities required by emergency vehicles;
- (8) To facilitate the movement of traffic in the event of accidents and other disasters; and
- (9) To promote the peace, comfort, convenience, and welfare of all citizens of Georgetown.

(b) *Definitions as used in this division:*

Curbside parking space shall mean the marked parking spaces on the designated streets not otherwise restricted.

Parking permit area shall mean the designated street upon which curbside parking is restricted without the properly displayed parking permit authorized by this regulation.

- (c) *Posting of permit parking only signs.* Upon the passage of this division, public works shall post the designated street "permit parking only."
- (d) *Notice to residents of designated streets of permit only parking.* Prior to the enforcement of this division, every residence on the designated street with restricted parking shall be mailed a notice of this division including a brief description of the program and instructions for its operation.
- (e) *An application for residential parking permit.* The applicant for a residential parking permit, whether residential or visitor, shall provide the following information for each vehicle to receive a residential parking permit:
 - (1) The name and residential address of the owner of the vehicle;
 - (2) The name, residential address and driver's license number of the principle operator of the vehicle;
 - (3) The make, model, license plate number and registration number of the vehicle; and
 - (4) The signature of the applicant for the residential parking permit.
- (f) *Issuance of residential parking permits.*

- (1) Upon the submission of a completed and validated residential parking permit application and the fulfillment of all applicable provisions of this division controlling issuance, renewal or transfer of residential parking permits, the applicant shall receive one (1) residential parking permit for the vehicle described in the application; provided, however, that no more than one (1) residential parking permit per licensed resident.
 - (2) Application for a residential or visitor permit must be made in person to the city clerk's office. Applicants must bring at least one (1) form of identification showing an address on the designated street. All visitor permits shall be mailed to applicant's address. All parking permits shall expire on July 1st of each succeeding year after the issuance of the permit.
 - (3) No residential parking permit shall be issued to a vehicle unless its owner and principle operator resides on the designated street and possesses a valid state driver's license.
 - (4) The applicant for, and holder of, the residential parking permit shall be the owner or principle operator of the vehicle receiving the parking permit.
- (g) *Renewal of residential parking permits.* Upon the submission of a completed and validated residential parking permit application, and the fulfillment of all applicable provisions of this division controlling issuance, renewal or transfer of residential parking permits, on or before the expiration date of the existing residential parking permit, the holder shall receive from the city a new residential parking permit.
- (h) *Transfer of residential parking permits.*
- (1) Upon the submission of a completed and validated residential parking permit application, the fulfillment of all applicable provisions of this regulation controlling issuance, renewal or transfer of residential parking permits and his or her surrender of his or her existing residential parking permit, the holder shall receive from the city a new residential parking permit to be transferred to another qualifying vehicle.
 - (2) The transfer of the residential parking permit to another qualifying vehicle shall not affect its expiration date.
- (i) *Issuance of permits for visitors.*
- (1) Upon application of any resident on a designated street, the city shall issue a visitor parking permit to the applicant for a visitor's vehicle for that designated street for a period of one (1) year.
 - (2) No more than two (2) visitor parking permits shall be issued to any one (1) residence at any one (1) time. For the purposes of this regulation, the resident shall be the holder of and responsible for the use or misuse of the visitor parking permits issued to him.
 - (3) The visitor permits are transferable between automobiles. No resident of the parking permit district may use the visitor permits for their personal vehicles.
 - (4) Visitor permits shall be issued without cost.

(j) *Use of residential and visitor parking permits.*

- (1) All resident and visitor parking permits shall be displayed on or about the inside rearview mirror in such a fashion as to be easily visible from outside the vehicle. All parking permits shall contain the following:
 - a. The statement: "This permit does not guarantee that a parking space shall be available to the permit holder;"
 - b. The name of the designated street;
 - c. Identification number matching the application number;
 - d. Whether the permit is for resident or visitor; and
 - e. The expiration date of the permit.
- (2) A parking permit shall not guarantee or reserve a parking space for the permit holder. A parking permit shall not authorize the standing or parking of any vehicle in such places during such times as would otherwise be prohibited. The permit shall not excuse the observance of any traffic regulation, other than the restrictions enforced on the designated street for non-permit holders.
- (3) Whenever the holder of a residential or visitor parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one (1) or more of the applicable provisions of this division controlling issuance, renewal or transfer of parking permits, the holder shall so notify the city clerk's office, who shall direct the surrender of the parking permit.
- (4) Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside on the designated street.
- (5) A parking permit shall be valid only on the designated street for which it is issued.
- (6) It shall be a violation of this regulation for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this regulation when it is not entitled. The display of a parking permit on a vehicle not authorized to use the permit shall constitute such a representation.
- (7) It shall be a violation of this regulation for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this regulation. It shall be a violation of this regulation for any person to display on any vehicle such a duplicate parking permit.
- (8) It shall be a violation of this division to park a non-permitted vehicle on a designated street.

(k) *Penalties, fines and towing.*

- (1) Any person violating subsection (j)(6) or (j)(7) of this section shall, upon conviction, by a court of competent jurisdiction, be fined not less than twenty dollars (\$20.00) or more than one hundred dollars (\$100.00) for each violation.

- (2) Any person violating subsection (j)(8) of this section shall, upon conviction, by a court of competent jurisdiction, be fined not less than twenty dollars (\$20.00) or more than one hundred dollars (\$100.00) for each violation.
- (3) Any car found parked in the parking permit area in violation of the provisions of this division shall be subject to removal. The owner of the towed vehicle shall be responsible for the cost of the towing in addition to any fine which may be imposed for the violation.

(Ord. No. 98-018, § 2, 8-20-98; Ord. No. 99-002, § 1, 1-21-99)

Secs. 18-62--18-70. Reserved.

ARTICLE III. TRUCK ROUTES

Sec. 18-71. Purpose.

- (a) This article shall affect and apply to all trucks and motor vehicles larger than one and one-half tons, whether common carrier, contract carrier, commercial or privately operated trucks or motor vehicles. They are enacted under the powers of the city, particularly K. R. S. 281.760 and other pertinent laws and decisions. Such sections shall not affect other ordinances relating to truck or vehicular parking, except insofar as same may be inconsistent herewith.
- (b) This article was enacted with the purpose of keeping heavy trucks from using streets which were built primarily for light residential traffic and which will not stand heavy traffic as will the two (2) routes named in section 18-72.

(Code 1966, § 75.4)

Sec. 18-72. Designated.

East and West Main Streets (U.S. 62, 227 and 460) and North and South Broadway (U.S. 25) are hereby designated as truck and heavy vehicle routes in and through the city; and any person owning or operating trucks or motor vehicles of any size larger than one and one-half tons entering or leaving the city is hereby ordered and directed to operate the truck, vehicle, in and through the city only on such routes as above named; and except as hereinafter provided, no trucks or vehicles larger than one and one-half tons shall be operated on any other streets, avenues, alleys or parts of same in the city. The term "operate" shall include parking, which is also prohibited hereby.

(Code 1966, § 75.1)

Sec. 18-73. Signs.

The chief of police is instructed to place appropriate signs and markings at the entrances to the city or at entrances from the truck and vehicle routes to other city streets and public ways.

(Code 1966, § 75.2)

Sec. 18-74. Permitted use for streets for local deliveries.

Until such time as the council may establish truck depots or require same for loading and unloading, trucks and vehicles of any size may use any street or public way of the city in order to make local deliveries or pickups; provided, such trucks and vehicles shall follow the routes on Main and Broadway as nearly as possible before turning into a street which is not on the prescribed route, and shall return from the point of pickup or delivery by the shortest route to the defined route. Trucks and heavy vehicles may also pass over other city streets for the purpose of entering or leaving the Lemons Mill Pike to or from the routes prescribed herein.

(Code 1966, § 75.3)

Secs. 18-75--18-90. Reserved.

ARTICLE IV. ENFORCEMENT

Sec. 18-91. Police authorized to remove vehicles.

- (a) The police department shall have the right to remove any vehicle, or to engage a wrecker to do so, at the expense of the owner or operator, under the following situations:
 - (1) When any vehicle shall remain in a meter zone in violation of city ordinance or regulation or after a citation has been placed thereon, for a period of three (3) hours; or
 - (2) When any vehicle shall remain for twenty-four (24) hours on any public way of the city, whether or not in a prohibited or meter zone; or
 - (3) When the vehicle is situated or parked in violation of any other traffic or parking regulation or law, or is "double parked", or alongside a painted curb, or along a driveway or in a "no truck zone" or other prohibited zone, and when the owner or operator cannot be found at or in the vehicle or, if found, refuses to move the vehicle from the prohibited place or to comply with the law as to parking or stopping.
- (b) The police department may cause the vehicle to be removed after three (3) minutes, unless a longer time for loading or stopping is fixed by any other ordinance or regulation.
- (c) Any vehicle placed on the public ways for work, repair, display, storage or sale may be removed immediately by the police department as hereinabove set out.

(Code 1966, § 76.1)

Sec. 18-92. Citations to be issued.

When any motor vehicle, without driver, is found parked or stopped in violation of any traffic regulation, the officer finding such vehicle shall take its registration number, and shall conspicuously affix to such vehicle a notice or summons in writing, on a form provided by the city, for the driver to appear before the district judge within twenty-four (24) hours to answer to the charge marked against him. If the person so cited fails to

appear within the time prescribed the officer shall then swear out a warrant for such person's arrest upon the charge.

(Code 1966, § 76.2)

Sec. 18-93. Patrolmen to deliver citations to chief.

All patrolmen of the city shall deliver all citations written by them for violations of the ordinances of the city and the state law directly to the chief of police.

(Code 1966, § 76.3)

Sec. 18-94. Duty of chief of police.

The chief of police shall, upon receiving the citations, review the citations and make the necessary notations thereof in his own records, and shall as soon as practicable, deliver the citations to the district.

(Code 1966, § 76.4)

Sec. 18-95. Clerk-treasurer may collect fines.

The clerk-treasurer or his authorized deputy is hereby authorized to receive fines during regular office hours.

(Code 1966, § 76.5)

Sec. 18-96. Clerk-treasurer may not exonerate tags.

The clerk-treasurer or his authorized deputy has no authority to exonerate any overtime parking citation tags.

(Code 1966, § 76.6)

Sec. 18-97. Chief of police or city attorney may exonerate tags.

No person shall hereafter be authorized to exempt violators from the payment of penalties or fines for parking meter violations, except the chief of police or the city attorney, for any reason whatsoever.

(Code 1966, § 76.7)

Sec. 18-98. Disposition of fines collected.

Once each week, the clerk-treasurer shall turn over to the chief of police all paid duplicate notices of over parking and all moneys collected by him therefor.

(Code 1966, § 76.8)

Sec. 18-99. Penalties for violations.

- (a) A notice of parking violation may be presented to the clerk-treasurer or his deputy within forty-eight (48) hours, and upon the payment of three dollars

(\$3.00), the complaint shall be considered having been satisfied.

- (b) Upon the failure of any person to pay said sum, the parking violation shall be treated in the manner now applying to other general traffic violations.
- (c) In the event that the ticket or citation for a parking violation shall not be presented for payment within forty-eight (48) hours, the penalty shall be five dollars (\$5.00), and a warrant shall be issued for the arrest of the violator if necessary.
- (d) Whosoever violates any of the provisions of the traffic code shall be fined not less than two dollars (\$2.00), nor more than one hundred dollars (\$100.00), for each offense.

(Code 1966, § 76.99; Ord. No. 80-002, § 4, 2-21-80; Ord. No. 87-001, § 4, 2-5-87)

Chapter 18.1 TREES AND SHRUBBERY

Art. I. In General, §§ 18.1-1--18.1-20

Art. II. Protection of Trees on Public Property, §§ 18.1-21--18.1-38

ARTICLE I. IN GENERAL

Secs. 18.1-1--18.1-20. Reserved.

ARTICLE II. PROTECTION OF TREES ON PUBLIC PROPERTY*

***Editor's note:** Ord. No. 02-018, §§ 1--19, adopted July 18, 2002, amended the Code by, in effect, repealing former art. II, §§ 18.1-21--18.1-38, and adding a new art. II, to read as herein set out. Former art. II pertained to similar subject matter, and derived from Ord. Nos. 92-010 and 93-003, adopted February 4, 1993.

Sec. 18.1-21. Definitions.

As used in this article, the following words, terms and phrases shall have the meanings respectively ascribed to them by this section:

Park trees: "Park trees" are defined as trees, shrubs, bushes and all other woody vegetation in public parks having individuals names, and all areas owned by the City, or to which the public has free access as a park.

Remove: "Remove" is defined as the cutting down or damaging, whether by deliberate or negligent act or omission, of any tree which causes the tree to die or become hazardous within three years.

Street trees: "Street trees" are defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(Ord. No. 02-018, § 1, 7-18-02)

Sec. 18.1-22. Creation and establishment of a city tree board.

There is created and established a city tree board for the city, which shall consist of up to eleven (11) members. The mayor shall appoint the members of this board from among persons demonstrating their interest in conservation of natural resources. These appointments shall be made with approval of the council. Two (2) of these members shall be engaged in the field of arboriculture, forestry, horticulture or landscape architecture, two (2) in the field of business management, law, or public relations and six (6) shall be selected from the community at large. The eleventh member of the board, or if the membership is less than eleven (11), at least one (1) member, shall be a city employee, such as the director of beautification or his or her designee.

(Ord. No. 02-018, § 2, 7-18-02)

Sec. 18.1-23. Term of office.

The term of the eleven (11) persons appointed by the mayor shall be four (4) years, except that the initial appointments shall be as follows: three (3) of the members shall be appointed for a one-year term, three (3) of the members shall be appointed for a two-year term, three (3) of the members shall be appointed for a three-year term and the final two (2) members shall be appointed to a four-year term. All successive terms shall be for full four-year terms. In the event a vacancy shall occur during the term of any member, the mayor, subject to council approval, shall appoint a successor for the unexpired portion of the term.

(Ord. No. 02-018, § 3, 7-18-02)

Sec. 18.1-24. Compensation.

Members of the board shall serve without compensation.

(Ord. No. 02-018, § 4, 7-18-02)

Sec. 18.1-25. Duties and responsibilities.

It shall be the responsibility of the board to study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or dispositions of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the city council and, upon their acceptance and approval, shall constitute the official comprehensive tree plan for the city.

The functions of the tree board shall be to formulate, review, evaluate and amend the annual plan and budget for the city's urban forestry programs; in cooperation with appropriate officials, inform governmental departments, residents, and businesses on matters concerning the betterment of trees and related and integrated environmental resources; to develop detailed performance standards and regulations regarding the urban forest; and to develop a program of education and enforcement.

The board, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(Ord. No. 02-018, § 5, 7-18-02)

Sec. 18.1-26. Operation.

The board shall choose its own officers, promulgate its own rules and regulations, consistent with city practice and policy, and keep a written record of its actions and its findings. A majority of the members shall constitute a quorum for the transaction of board business.

(Ord. No. 02-018, § 6, 7-18-02)

Sec. 18.1-27. Street tree species to be planted.

The tree board will formulate an official street tree species list for the city. The list of recommended species shall be broken down into categories of small, medium and large trees. No species other than those included in this list shall be planted as street trees without written permission of the city tree board.

(Ord. No. 02-018, § 7, 7-18-02)

Sec. 18.1-28. Spacing.

The spacing of street trees will be in accordance with the three (3) species classes referred to in section 18.1-27 of this article. No trees may be planted closer together than the following; small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet, except in special plantings designed by a landscape architect and approved by the city tree board.

(Ord. No. 02-018, § 8, 7-18-02)

Sec. 18.1-29. Distance from curb, sidewalk and power lines.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes listed in section 18.1-27 of this article. No trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet. Only small trees can be planted within fifteen (15) feet of power lines.

(Ord. No. 02-018, § 9, 7-18-02)

Sec. 18.1-30. Distance from street corners and fireplugs.

No street tree shall be planted closer than twenty (20) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten (10) feet of any fireplug.

(Ord. No. 02-018, § 10, 7-18-02)

Sec. 18.1-31. Public tree care.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public

grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with an injurious fungus, insect or other pest. If a permit is obtained in accordance with sections 18.1-35 through 18.1-37, this section does not prohibit the planting or maintenance of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with sections 18.1-27 through 18.1-34 of this article.

(Ord. No. 02-018, § 11, 7-18-02)

Sec. 18.1-32. Prohibitions.

Except as authorized by permit issued by the city:

- (1) No person shall damage, cut, carve, prune or remove any public tree; nor attach any rope, wire, nails, advertising poster or other artifact to any public tree; nor allow any toxic substance to harm or damage any public tree; nor set fire to or otherwise injure by fire any public tree.
- (2) No person shall plant or transplant any public tree.
- (3) No person shall spray, inject or otherwise apply any fertilizer or pesticide, including but not limited to dormant oil, insecticide, fungicide, herbicide or biological control to any public tree.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-33. Protection of public trees.

No person shall make any excavation, place any fill, compact the soil, or construct any building, structure, street, sidewalk, driveway, pavement, or public utility within 15 feet of any public tree without first obtaining a permit for such work from the city and conducting such work in accordance with such permit. As a condition of issuing such permit, the city shall require that the work be done in accordance with the urban forestry regulations as may be necessary to protect the vitality of such trees.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-34. Permits required.

No person shall commence or proceed with any operation involving a public tree without first obtaining a permit from the city. The permit is free, but appropriate fines, penalties and compensatory payments will be levied if work is performed on public trees without an approved permit.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-35. Application for permits.

Application for an urban forestry permit shall be made in the form prescribed by the city.

- (1) By the public utility company or its authorized agent, if the work is to be done by a public utility company pursuant to its regular operations.
- (2) By the abutting property owner, or such owner's agent, if the work is to be performed within a street on behalf of the abutting property owner.
- (3) If any work not included in paragraph (a) or (b) is to be performed within a street, by the person the work is to be performed for or by such person's agent, or by the person having control over such property.

The permit application shall identify the nature of the work for which the application is sought. If the proposed work involves the removal of any public tree or planting of a public tree, the applicant shall file, with the city, plans and specifications showing the location, size, species, and conditions of all existing public trees within fifteen (15) feet of all work activities, the location, size, and species of any trees to be planted, and any existing or planned buildings, street lights, traffic signals or signs, pavement, sidewalk, curb cut, or public utilities. Such plans and specifications shall be in such form and include such additional information as may be required by urban forestry regulations.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-36. Issuance of permits.

Every application for a permit shall be approved or disapproved within fifteen (15) business days after filing. If application is rejected, the applicant shall be notified in writing of the reason for the rejection. If no action is taken on an application within fifteen (15) days, it shall be deemed to have been approved.

Permits may be issued on an individual job basis or in the case of public utilities doing routine work, on an annual basis.

(Ord. No. 02-018, § 11a, 7-18-02)

Sec. 18.1-37. Tree topping.

It shall be unlawful as a normal practice for any person, or firm to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this article at the determination of the city tree board.

(Ord. No. 02-018, § 12, 7-18-02)

Sec. 18.1-38. Pruning, corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the sidewalk and fourteen (14) feet above the surface of the street. Said owners shall remove all dead, diseased or

dangerous trees or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign, or prohibits safe passage for pedestrians and vehicles along the right-of-way. The city shall have the right to charge the cost of the required pruning to the property owner by any reasonable means, including placement of the charge on the owner's property tax notice.

(Ord. No. 02-018, § 13, 7-18-02)

Sec. 18.1-39. Dead or disease tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The mayor or his or her designee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within thirty (30) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of the required removal to the property owner by any reasonable means, including placement of the charge on the owner's property tax notice.

(Ord. No. 02-018, § 14, 7-18-02)

Sec. 18.1-40. Interference with city tree board.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park trees, or trees on private grounds, as authorized in this article.

(Ord. No. 02-018, § 15, 7-18-02)

Sec. 18.1-41. Arborists license.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be twenty-five dollars (\$25.00) annually in advance, provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of three hundred thousand dollars (\$300,000) for bodily injury and property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Each applicant shall also provide proof of current workman's compensation insurance meeting minimum state requirements.

All public tree planting or maintenance shall be performed by persons or businesses employing a certified arborist and/or which follows current National Arborist Association, International Society of Arboriculture, American Nurserymen's Association standards, applicable national safety standards and any other performance standards which may be adopted by the city from time to time.

(Ord. No. 02-018, § 16, 7-18-02)

Sec. 18.1-42. Review by city council.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council, who may hear the matter and make the final decision. Appeals to the city tree board and from decisions of the city tree board to the city council shall proceed as follows:

- (1) Any person affected by an order, grant, denial, or revocation of a permit by the city may appeal such order, grant, denial or revocation of a permit, to the city tree board.
- (2) Such appeal shall be filed in writing with the city tree board within fourteen (14) days of the date of notification of the city's ruling.
- (3) The appeal shall be heard by the city tree board. Action by the city shall be stayed until the decision of the tree board is rendered and the applicant notified.
- (4) The tree board may, in conformity with the provisions of this chapter, reverse or affirm or modify wholly or partly, the order, grant, denial or revocation of any permit. The board's decision shall be based upon the record.
- (5) Any person affected by the decision of the tree board may appeal such decision to the city council.
- (6) Such appeal shall be filed in writing with the council within fourteen (14) days of the date of notification of the decision of the tree board.
- (7) The appeal shall be reviewed by the city council. Action by the tree board shall be stayed until the decision of the council is rendered and the applicant is notified.
- (8) The city council may in conformity with the provisions of this chapter revise or affirm or modify wholly or partly, the order, grant, denial or revocation of any permit and the decision of the tree board. The decision of the city council shall be final. The council's decision shall be based upon the record.
- (9) The right of appeal shall be clearly stated on all permits.

(Ord. No. 02-018, § 17, 7-18-02)

Sec. 18.1-43. Penalty.

Any person violating any provision of this article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed five hundred dollars (\$500.00) in Scott District Court.

(Ord. No. 02-018, § 18, 7-18-02)

Sec. 18.1-44. Compensatory payment.

No person shall remove any street or park tree without authority under this article. Any person removing a tree in violation of this article, shall replace that tree with a tree of equivalent value on public property in proximity to the removed tree. The city tree board shall consider the species, location, size, and condition of the tree and determine its value. If no suitable location exists in proximity to the removed tree or if the replacement tree is of lesser value, the person causing the tree's removal shall make restitution to the city of an amount equal to the difference in value between the tree removed and the replacement tree. Any public tree that is determined by the city to be damaged, but only to an extent that does not justify the tree's removal, shall be considered devalued. The person causing the damage shall pay the amount of devaluation to the city. Restitution paid under this section shall be paid into a fund established for that purpose. The use of that fund shall be restricted to use for urban forestry programs.

(Ord. No. 02-018, § 19, 7-18-02)

Chapter 19 UTILITIES*

***Cross references:** Board of water and sanitary sewer commissioners, § 2-206 et seq.; buildings and building regulations, Ch. 4; subdivision regulations, Ch. 16.

State law references: Utilities in cities, KRS Ch. 96; acquisition of waterworks, KRS Ch. 106; municipal improvements, KRS Ch. 107.

- Art. I. In General, §§ 19-1--19-15
- Art. II. Waste Collection and Disposal, §§ 19-16--19-35
- Art. III. Sewers, §§ 19-36--19-150
 - Div. 1. General Provisions, §§ 19-36--19-41
 - Div. 1A. Use of Public Sewers, §§ 19-42--19-49
 - Div. 1B. Private Wastewater Disposal, §§ 19-50--19-54
 - Div. 2. Building Sewers and Connections, §§ 19-55--19-61
 - Div. 2A. Pollutant Discharge Limits, §§ 19-62--19-73
 - Div. 2B. Pretreatment Program Administration, §§ 19-74--19-93
 - Div. 3. Fees, §§ 19-94--19-98
 - Div. 3A. Powers and Authority of Inspections, §§ 19-99--19-105
 - Div. 3B. Enforcement, §§ 19-106--19-113
 - Div. 4. Penalties, §§ 19-114--19-130
 - Div. 5. Rates and Charges, §§ 19-131--19-150
- Art. IV. Water, §§ 19-151--19-216
 - Div. 1. Generally, 19-151--19-165
 - Div. 2. Restricted and Prohibited Uses, §§ 19-166--19-180
 - Div. 3. Connections; Repairs, §§ 19-181--19-205
 - Div. 4. Rates and Charges, §§ 19-206--19-216

ARTICLE I. IN GENERAL

Sec. 19-1. Consolidated municipal waterworks and sanitary sewer system.

The municipal waterworks and sanitary sewer system supplying water and sanitary sewer services in and to the city as they presently exist and as they may hereafter from time to time be extended and improved are hereby combined and consolidated as a municipal waterworks and sanitary sewer system.

(Code 1966, § 38.1)

Sec. 19-2. On-ground utility fixtures.

- (a) *Location of on-ground utility fixtures.* All on-ground pedestals or other fixtures, customarily for housing transformers, junction boxes, or similar equipment necessary to the service of any utility shall be placed to the rear of residential building lots.
- (b) *Exclusions.* This restriction shall not affect the placement of underground utilities, utility poles or lighting fixtures.
- (c) *Exceptions.* There is excepted from this prohibition those parcels which, due to topography or other natural feature, are determined by the planning commission to be inappropriate for the placement of on-ground pedestals or other fixtures, customarily for housing transformers, junction boxes, or similar equipment necessary to the service of any utility to the rear of the property. A plat or plan approved by the planning commission and filed of record in the Scott County Clerk's Office showing a particular property with applicable fixture locations or easements being to the front or side of the property shall be conclusive evidence that the property shown on that plat or plan is excepted from the operation of this section.

(Ord. No. 96-008, §§ 1, 2, 3-7-96; Ord. No. 98-001, § 3, 2-19-98)

Editor's note: Ord. No. 96-008, §§ 1, 2, adopted March 7, 1996 was nonamendatory of the Code; hence, inclusion herein as § 19-2 was at the discretion of the editor.

Secs. 19-3--19-15. Reserved.

ARTICLE II. WASTE COLLECTION AND DISPOSAL *

***Editor's note:** Ord. No. 96-011, §§ 1--10, adopted May 2, 1996 amended Art. II by enacting new provisions as set out herein. Former Art. II pertained to similar subject matter and derived from Ord. No. 80-001, §§ 1--8, adopted Jan. 17, 1980, and Ord. No. 93-028, §§ 1--3, adopted Dec. 16, 1993.

Sec. 19-16. Definitions.

The following definitions shall apply to the interpretation and enforcement of this article:

- (1) *Solid wastes.*
 - a. *Municipal waste* consists of both putrescible and nonputrescible waste containing food waste, paper, household products, white goods and other nonputrescible material.
 - b. *Commercial waste* consists of paper and packaging.

- c. *Construction and demolition debris* consists of materials from building, remodeling, repairing or demolishing buildings or structures.
 - d. *Composting material* consists of tree trimming and yard wastes.
 - e. *Hazardous waste* consisting of medical waste, tires, batteries, liquids and all other wastes defined by the Cabinet for Natural Resources as hazardous shall not be collected by the city. All collection of these wastes shall be disposed of in accordance with applicable state regulation.
- (2) *Approved containers* shall include metal or plastic containers of a minimum capacity of ten (10) gallons and a maximum capacity of thirty-two (32) gallons. All such containers shall have at least one handle and a tight fitting lid. Also approved for use as containers of solid waste are heavy duty plastic bags of a minimum of sixty-five hundredths (0.65) mils thickness. These bags shall be of a minimum capacity of ten (10) gallons and a maximum capacity of thirty-two (32) gallons. Composting material, other than leaves and grass, shall not be placed in approved containers, but in bundles not to exceed four (4) feet in length and fifty (50) pounds in weight. Leaves and grass shall be placed in approved plastic bags.

(Ord. No. 96-011, § 1, 5-2-96)

Sec. 19-17. Compulsory collection.

Except through the use of dumpsters or special arrangement for hazardous waste disposal, all solid waste generated within the city shall be collected by the city in accordance with these regulations. Private persons may collect solid waste generated within the city if that waste is collected in a dumpster. Collection from dumpsters shall be governed by the applicable sections below.

(Ord. No. 96-011, § 2, 5-2-96)

Sec. 19-18. Collection agent.

The Georgetown Municipal Water and Sewer Service (GMWSS) is designated as agent of the city for the purpose of collecting the required fee for the collection of the solid waste generated within the City. Other than fee collection, GMWSS shall have no authority or responsibility related to solid waste collection.

- (1) GMWSS shall prepare and mail statements on or before the first day of the month following the month in which solid waste collection and disposal is performed. Failure of GMWSS to provide a statement shall not relieve the customer of the obligation of paying the required charge for service.
 - a. The waste collection fee is due within twenty (20) days of the billing. Amounts not timely paid shall be delinquent. A reasonable penalty may be charged for late payments. This penalty and all other reasonable charges related to the city's collection and disposal of solid waste shall be subject to review and modification from time to time by the city council. All delinquent owners or

residents shall receive a written notice of the overdue payment. Failure to pay the fee within the time required by the notice, shall result in the disconnection of GMWSS water service to the property at which the waste collection service was rendered. Water service will be renewed at such time as the delinquent account is made current, together with all reasonable charges and expenses incurred by the city during cut-off and reconnection of water service. No water service shall be terminated, however, without written notice to the water service recipients.

- b. GMWSS shall keep proper records showing all billings made and collections received. All accounts shall be audited annually by a competent independent certified public accountant. The report thereof shall be open for public inspection.

(Ord. No. 96-011, § 3, 5-2-96)

Sec. 19-19. Rules and regulations.

The council shall promulgate and enforce any and all reasonable rules and regulations deemed necessary or proper from time to time to carry out the objects and purposes of this article for protection of the health and welfare of the citizens of the city as it relates to the collection, removal and disposal of solid waste.

(Ord. No. 96-011, § 4, 5-2-96)

Sec. 19-20. Rates for collection.

In order to make the service proposed in this article revenue producing and to defray the cost of collection, removal, disposal, maintenance, costs of acquiring or construction of a waste disposal system and necessary facilities, the following schedule of fees, rates and charges for waste collection and removal, is adopted:

The within rates apply to municipal waste only. These charges are subject to adjustment for abnormal volume or conditions:

TABLE INSET:

Item per week		
Residenti al, per dwelling unit		\$ 8.00
Business and retail EST.,		.00
Groceries , less than three (3) cubic yards		.00

Groceries , less than ten (10) cubic yards		.00
Groceries , more than ten (10) cubic yards		.00
Restaura nts		.00
Self- serve stations		.00
Garages		.00
Service agencies		.00
Industry, up to 35 employee s		.00
Industry, up to 36 to 74 employee s		.00
Industry, over 75 employee s		.00
Schools		.00

The services included for the fees set out in this schedule do not include the collection of the following types of waste: offal, sewage, construction and demolition debris, appliances or discarded furniture. Offal and sewage shall not be disposed of through the city's municipal solid waste disposal program.

The city shall have the right to deny waste collection, removal or disposal service to any person whose waste requirements exceed the city's capabilities or are of such nature that the city is without appropriate means for the waste's disposal. Buildings or dwellings not readily accessible to city public works employees, persons setting out waste not properly contained or prepared, or users requiring service more frequently than regularly scheduled, shall be assessed an additional charge commensurate with the additional service required by their particular need.

(Ord. No. 94-013, § 1, 7-7-94; Ord. No. 96-011, § 5, 5-2-96)

Sec. 19-21. Nuisance regulations.

The following acts and conditions are declared to be nuisances and unlawful.

- (1) No person shall permit solid waste to accumulate in any manner other than required in this article for its proper disposal.
- (2) No person shall or permit the accumulation of solid waste upon any premises owned, or used by them. Such an accumulation is unsightly,

unsanitary and hazardous to the health, safety or welfare of the public. Such an accumulation is also detrimental to the value of the property upon which the waste is permitted to accumulate as well as those in proximity. Both owner and tenants shall be accountable for the accumulation of waste on rental property. The owner shall be responsible for the accumulation of waste on owner-resident property.

- (3) No person shall deposit, by any means, solid waste upon any premises, street or alley, whether public or private, irrespective of an intent to later remove the waste, in any manner other than that prescribed by this article. No person shall suffer or permit the accumulation of waste, on any premises owned, occupied or controlled by such person.
- (4) No city employee, while acting within the scope of his employment, shall remove waste from any premises, unless such waste is property contained as prescribed by this article.
- (5) No person shall place or keep solid waste containers, even if otherwise in conformity with this article, nearer to the street than the front facade of the residence or the commercial, industrial, or service building in which the waste is generated or otherwise on or about the sidewalk, curb or street at any time other than after 6:00 p.m. on the day before the city is scheduled to collect that streets' municipal waste and no later than 10:00 p.m. on the day on which the city collects that street's municipal waste.

(Ord. No. 96-011, § 6, 5-2-96)

Sec. 19-22. Removal of offending containers.

The city's public works employees are authorized to remove all solid waste containers in violation of this article, upon affording written notice to the property owner or resident of the city's intent to remove them. The dated, written notice shall be signed by the city employee delivering it and shall read as follows:

"Your municipal waste container[s] is/are unlawfully located at or about the street in violation of Ordinance 96-011. You have until 6:00 a.m. tomorrow to remove the container or it shall be removed to the City Public Work's Facility. Any container removed by Public Works shall be inventoried and held at the Public Works Facility until the owner, upon presentation of proof of ownership, pays any unpaid fine[s]."

For the purpose of this article, service of the above notice shall be complete upon actual personal delivery to the property owner or resident, or upon posting a true copy of the notice in a conspicuous place on the owner's or resident's property. Posting the notice(s) on the offending containers shall satisfy this notice requirement.

(Ord. No. 96-011, § 7, 5-2-96)

Sec. 19-23. Regulation of dumpsters in residentially zoned areas.

The purpose of this section is to regulate the location and screening of dumpsters in residential zoned properties such that they will not, by reason of their location, manner of construction, or screening, cause annoyance, disturbance, or nuisance to the citizens of Georgetown.

- (1) All existing dumpsters will be covered by these regulations upon adoption of this section.
- (2) No new dumpsters will be permitted except by permit from the building inspector which shall be issued only after the review of a drawing demonstrating compliance with all provisions of this section. The property owner shall be responsible for obtaining the permit and making necessary improvements to the property.
- (3) The planning commission may approve a dumpster as part of an approved development plan so long as it is in compliance with all provisions of this section.
- (4) All multi-family residential buildings of six (6) or more units shall have a dumpster.
- (5) The property owner shall be responsible for compliance with these provisions.
- (6) Only temporary construction related dumpsters shall be allowed in any R-1 zone.
- (7) The setback for dumpsters in approved zones shall meet the minimum front yard setback from rights-of-ways. The side yard setback shall be ten (10) feet and the rear yard setback shall be fifteen (15) feet. Temporary construction related dumpsters shall meet the required set-backs to the extent practicable.
- (8) Dumpster screening shall meet or exceed the details set out in Exhibits 1-4, attached and made part of this section. Equivalency to these details shall be determined by the city or planning commission engineers.
- (9) The owner of any multifamily residential building, not otherwise required to have a dumpster, which has three (3) refuse-related violations under this article, within a six-month period may be required upon written notice to provide a dumpster in accordance with this section.
- (10) Dumpsters located in residential zones shall not be emptied except during the hours between 6:00 a.m. and 4:00 p.m.
- (11) Temporary dumpsters to be located upon a public right-of-way shall obtain written location approval from the Chief of Police prior to receiving the permit from building inspection.
- (12) Temporary dumpsters located in a public right-of-way shall be equipped with lights or reflectors sufficient to make the box easily visible to motoring public.
- (13) The area within or immediately adjacent to the dumpster screening shall be kept free of debris. Contents of temporary construction related dumpsters shall not be permitted to escape.
- (14) Owners of existing dumpsters which substantially meet the requirements of this section shall not be required to alter their property to comply with this section.

(Ord. No. 96-011, § 8, 5-2-96)

Sec. 19-24. Penalties.

- (a) The first two (2) violations of this article by the same person or entity, shall be punishable by a civil fine imposed by the city in the amount of twenty dollars (\$20.00). This fine shall be payable at the city clerk's office no later than thirty (30) days after written notice to the responsible party. The responsible party shall be that person or entity accountable under the applicable article provision.
- (b) Civil fines shall be imposed upon written notice to the alleged offender informing him of the nature of the alleged violation and affording him opportunity to be heard on the matter before the city council. Absent a request for hearing within ten (10) days of the notice, the civil fine shall vest and be enforceable in Scott District Court. A written request for hearing shall entitle the alleged offender to a due process hearing before the city council.
- (c) In the event the civil fine is not paid on or before the date payment is required, the city may file an action against the responsible party in Scott District Court for the amount of the fine and the reasonable cost of collection, the amount of which shall not exceed one hundred dollars (\$100.00), inclusive of fine and costs, per violation.
- (d) All successive violations of this article by the same person or entity, shall subject the violator to a criminal charge in Scott District, a conviction of which, shall be punishable by a fine in an amount of up to one hundred dollars (\$100.00). Unpaid civil fines may be enforced by the Scott District Court as if in the nature of restitution as part of a prosecution of other violations of this article.

(Ord. No. 96-011, § 9, 5-2-96)

Sec. 19-25. Enforcement.

Enforcement of this article shall be the responsibility of the Georgetown police department, the Georgetown building inspection office, the code enforcement official and any other city officer or employee so designated by the mayor.

Except for the citation authority of the city police officers, which would empower them to cite a violation occurring in their presence, third or subsequent violations shall only be charged by an enforcement officer signing a criminal complaint with the county attorney's office and the issuance of a criminal summons to Scott District Court.

(Ord. No. 96-011, § 10, 5-2-96)

Secs. 19-26--19-35. Reserved.

ARTICLE III. SEWERS*

***Editor's note:** Ord. No. 97-019, articles I--X, adopted June 19, 1997, repealed §§ 19-41--19-48, 19-61--19-72, 19-81--19-96, 19-111--19-119 which comprised divisions 1--4 of article III of Ch. 19 and replaced those with §§ 19-36--19-38, 19-42--19-46, 19-50, 19-51, 19-55--19-58, 19-62--19-70, 19-74--19-90, 19-94, 19-95, 19-99--19-102, 19-106--19-110, 19-114--19-122 which deal with similar provisions.

Division 5 of article III of Ch. 19 was not affected by Ord. No. 97-019 and remains

unaltered. For a detailed history of those sections which were repealed by Ord. No. 97-019, see the Code Comparative Table.

Cross references: Plumbing code, § 4-71 et seq.

DIVISION 1. GENERAL PROVISIONS

Sec. 19-36. Purpose and policy.

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Georgetown and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403).

The objectives to this article are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the city's KPDES permit or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- (4) To provide for equitable distribution of the cost of the municipal wastewater system; and
- (5) Provide for the safety of the treatment plant employees.

This article provides for the regulation of direct and indirect contribution to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the City of Georgetown and to persons outside the city who are, by contract or agreement with the city, users of the city publicly owned treatment works (POTW). Except as otherwise provided herein, the manager shall administer, implement, and enforce the provisions of this article.

(Ord. No. 97-019, art. I(A), 6-19-97)

Sec. 19-37. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

ACT or "the Act." The Federal Water Pollution Control Act, also known as the

Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Approval authority. The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

Authorized representative. An authorized representative of a user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

An authorized representative of the City may be any person designated by the City to act on its behalf.

Baseline monitoring report (BMR). A report submitted by categorical industrial users within one hundred eighty (180) days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b)).

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).

Board of commissioners. The duly appointed Board of Commissioners of the Georgetown Municipal Water & Sewer Service (GMWSS).

Building drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

Building sewer permit. As set forth in "Building Sewers and Connections" (division 2 of this article).

Categorical industrial user. An industrial user subject to categorical pretreatment standards which have been promulgated by the EPA.

Categorical pretreatment standards. National categorical pretreatment standards or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

City. The City of Georgetown, Kentucky.

Clean water act (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq: as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

Combined sewer. Any conduit designed to carry both sanitary sewage and storm water or surface water.

Combined wastestream formula (CWF). Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).

Compatible pollutant. Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.

Concentration-based limit. A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/L.

Control authority. The term "control authority" shall refer to the city when there exists an approved pretreatment program under the provisions of 40 CFR 403.11.

Cooling water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Daily maximum. The maximum allowable value for any single observation in a given day.

Dilute wastestream. Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

Discharger. Any person that discharges or causes a discharge to a public sewer.

Domestic wastewater. The water-carried wastes produced from noncommercial or non-industrial activities and which result from normal human living processes.

Easement. An acquired legal right for the specific use of land owned by others.

Effluent. The liquid overflow of any facility designed to treat, convey or retain wastewater.

Environmental Protection Agency or EPA. The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Equipment. All movable, non-fixed items necessary to the wastewater treatment process.

Flow proportional composite sample. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

Flow weighted averaging formula (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

Garbage. The animal and vegetable waste resulting from the handling,

preparation, cooking and serving of foods.

Grab sample. A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.

Health department. The Georgetown/Scott County Health Department.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Incompatible pollutant. All pollutants other than compatible pollutants as defined in this section.

Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

Industrial user (IU). A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.

Industrial wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.

Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

Manager. The general manager of GMWSS or their duly appointed deputy agent or representative.

May. This is permissive (see "shall" as defined in this section).

Monthly average. The maximum allowable value for the average of all observations obtained during one (1) month.

Multi-unit sewer customer. A location served where there are two (2) or more

residential units or apartments, two (2) or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.

National categorical pretreatment standard or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

Natural outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Ninety-day compliance report. A report submitted by a categorical industrial user, within ninety (90) days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).

Ordinance. This ordinance [article III of this chapter], unless otherwise specified.

Pass through. A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/RPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).

Periodic compliance report. A report on compliance status submitted by significant industrial users to the Control Authority at least semi-annually (40 CFR 403.12 (e)).

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity of any other legal

entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Pollution. The manmade or man-induced alteration of the chemical physical, biological and radiological integrity of water.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

POTW treatment plant. That portion of the POTW designed to provide treatment to wastewater.

Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).

Process wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Production-based standard. A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

Prohibitive discharge standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403(5).

Properly shredded garbage. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in dimension.

Publicly owned treatment works (POTW). A treatment works as defined in Section 212 of the Act. (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

Public sewer. A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

Regulated wastestream. An industrial process wastestream regulated by a national categorical pretreatment standard.

Sanitary sewer. A sewer that carries liquid and water-carried wastes from

residences, commercial buildings, industrial plants and institutions.

Sewage. The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.

Sewerage. Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

Sewer user charges. A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, or such works.

Sewer system or works. All facilities for collecting, transporting, pumping, treatment and disposing of sewage and sludge, namely the sewerage system and the POTW.

Sewer. A pipe or conduit that carries wastewater or drainage water.

Shall. Is mandatory (see "may," as defined in this section).

Significant industrial user (SIU). Defined by EPA guidance as:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) Any non-categorical industrial user that:
 - a. Discharges twenty-five thousand (25,000) gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters); or
 - b. Contributes a process wastestream which makes up to five (5) percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant; or
 - c. Has a reasonable potential, in the opinion of the control or approval authority, to adversely affect the pollutants, sludge contamination or endangerment of POTW workers.

Slug discharge. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or noncustomary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW.

Slug load. Any pollutant (including biochemical oxygen demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the industry's discharge permit and which includes accidental spills.

Spill prevention and control plan. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

Split sample. Portion of a collection sample given to the industry or to another agency to verify or compare laboratory results.

Standard industrial classification (SIC). A classification scheme based on the type of industry or process at the facility.

Standard methods. The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.

State. Commonwealth of Kentucky.

Storm drain (sometimes termed "storm sewer"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent. The person designated by the city to supervise the day to day operations, maintenance and management of the publicly owned treatment works and who is charged with certain duties and responsibilities by the manager.

Surcharge. A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain biochemical oxygen demand (BOD), chemical oxygen demand (COD), total suspended solids (TSS), oil and grease or ammonia nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

Suspended solids (TSS). Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater."

Time proportional composite sample. Combination of individual samples with fixed volumes taken at specific time intervals.

Toxic organic management plan. Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act 307(a) or any amendments thereto.

Unpolluted water. Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

Unregulated wastestream. A wastestream that is not regulated by national categorical pretreatment standards.

User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.

Wastewater. The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.

Wastewater discharge permit (WDP). A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the administration section of this article.

Wastewater facilities. The structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes, and dispose of the effluent.

Wastewater treatment works. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant."

Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

Waters of the state. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WWTP #1. Wastewater treatment works located within the city and which accepts sanitary, commercial and industrial flow from the city excluding the Toyota Manufacturing Facility.

WWTP #2. Wastewater treatment works treating the wastewaters from the Toyota Manufacturing Facility and sanitary, commercial and industrial flows from within its planning area or as agreed to by the manager.

(Ord. No. 97-019, art. I(B), 6-19-97)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 19-38. Abbreviations.

The following abbreviations shall have the designated meanings:

TABLE INSET:

ADMIDye Manufact urers Institute	
AOOrder	
ASTMme rican Society for Testing and Materials	
BMPMan agement Practices	

BOD Oxygen Demand	
BPJ Professional Judgment	
CFR of Federal Regulations	
CIU Industrial User	
COD Oxygen Demand	
CWA Water Act (33 U.S.C. 1251 et seq)	
CWF Waste Stream Formula	
EPA Protection Agency	
FWA Weighted Average	
FR Register	
gpd per day	
IU User	
I	
mg	
mg/l per liter	
NOV of Violation	
NPDES Pollutant Discharge Elimination System	
RPDES Pollutant Discharge Elimination System	
POTW Owned Treatment Works	

RCRACo nservatio n and Recovery Act	
SICIndust rial Classifica tion	
SIUIndust rial User	
SWDAW aste Disposal Act, 42 U. S. C. 6901, et seq	
TSSSusp ended Solids	
TTOToxic Organics	
ug/lper liter	
USCState s Code	

(Ord. No. 97-019, art. I(C), 6-19-97)

Secs. 19-39--19-41. Reserved.

DIVISION 1A. USE OF PUBLIC SEWERS

Sec. 19-42. Mandatory sewer connection.

- (a) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (thirty and one-half (30.5) meters) of the property line.
- (b) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in subsection (a) of this section, except as provided for in "Private Wastewater Disposal" (division 1B of this article).
- (c) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the

public system within sixty (60) days in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(Ord. No. 97-019, art. II(A), 6-19-97)

Sec. 19-43. Unlawful discharge to storm sewers or natural outlets.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public or private property within the City of Georgetown, or in any area under the jurisdiction of said City of Georgetown except in compliance with the provisions of this article.
- (b) It shall be unlawful to discharge to any natural outlet or storm sewer within the City of Georgetown or in any area under the jurisdiction of said city, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this article. No provision of this article shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge.

(Ord. No. 97-019, art. II(B), 6-19-97)

Sec. 19-44. Compliance with local, state and federal laws.

- (a) The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this article, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403.

(Ord. No. 97-019, art. II(C), 6-19-97)

Sec. 19-45. Discharge of unpolluted waters into sewer.

- (a) No person(s) shall discharge or cause to be discharged through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The manager or representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.
- (b) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(Ord. No. 97-019, art. II(D), 6-19-97)

Sec. 19-46. Prohibited discharges.

No user shall contribute or cause to be contributed, directly or indirectly, any

pollutant or wastewater which will interfere with performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flash-point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (2) Any waters or wastes having a pH lower than six (6.0) or higher than ten (10.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
- (3) Any slug load of pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities (i.e., wood, glass, ashes, sand, cinders, unshredded garbage, etc.).
- (5) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit).
- (6) Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Act, or state criteria applicable to the sludge management method being used.
- (8) Any substance which will cause the POTW to violate its NPDES/KPDES permit and/or sludge disposal system permit.
- (9) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

- (10) Any trucked or hauled pollutant except at discharge points designated by the POTW.

(Ord. No. 97-019, art. II(E), 6-19-97)

Secs. 19-47--19-49. Reserved.

DIVISION 1B. PRIVATE WASTEWATER DISPOSAL

Sec. 19-50. Public sewer not available.

- (a) Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" (division 1A of this article), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of Scott County Health Department and all applicable local and state regulations.
- (b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- (c) No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by applicable local and state regulations.
- (d) Holders of NPDES/KPDES permits may be excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance with the issuing authority.
- (e) No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. No. 97-019, art. III(A), 6-19-97)

Sec. 19-51. Requirements for installation.

- (a) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations.
- (b) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities.

(Ord. No. 97-019, art. III(B), 6-19-97)

Secs. 19-52--19-54. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 19-55. Permits.

- (a) There shall be two (2) classes of building sewer permits required; (i) for residential and (ii) for service to commercial and industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial

establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the manager. Details regarding commercial and industrial permits include, but are not limited to those required by this article. Permit and inspection fees shall be paid to the city at the time the application is filed.

- (b) Users shall promptly notify the city in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The manager may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.
- (c) No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the manager.

(Ord. No. 97-019, art. IV(A), 6-19-97)

Sec. 19-56. Prohibited connections.

No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this article shall be completely and permanently disconnected within sixty (60) days of the effective date of this article. The owner(s) of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

(Ord. No. 97-019, art. IV(B), 6-19-97)

Sec. 19-57. Design and installations.

- (a) A separate and independent building sewer shall be provided for every building except where one (1) building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (b) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is

actually made into the city system.

- (c) Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.
- (d) The building sewer shall be case iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet requirements of state plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five (5) feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one (1) foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where by cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.
- (e) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, place of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city.
- (f) All costs and expenses incidental to the installation and connection to the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city for any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the city.
- (g) The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- (h) In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer. Drainpipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel.
- (i) The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant to the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a clean out and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be

inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

- (j) All building sanitary sewer lines will be installed so as to meet or exceed the most current revisions of the state plumbing code.

(Ord. No. 97-019, art. IV(C), 6-19-97)

Sec. 19-58. Inspection.

- (a) The applicant for the building sewer permit shall notify the manager when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the manager or representative. The connections shall be made gaslight and watertight and verified by proper testing.
- (b) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two (2) weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent watertight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six (6) inches above the top of the branch.

(Ord. No. 97-019, art. IV(D), 6-19-97)

Secs. 19-59--19-61. Reserved.

DIVISION 2A. POLLUTANT DISCHARGE LIMITS

Sec. 19-62. General conditions.

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which: will not harm either the sewers, wastewater treatment process or equipment; will maintain and protect water quality in the receiving stream; and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The manager may set additional limitations or limitations more stringent than those established in the provisions below if in his opinion more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of a discharge, the manager shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(Ord. No. 97-019, art. V(A), 6-19-97)

Sec. 19-63. Restricted discharges.

- (a) Wastewater containing more than fifty (50) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin;
- (b) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures thirty-two to one hundred fifty (32--150) degrees [Fahrenheit] (zero to sixty-five (0--65) degrees Celsius);
- (c) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Paper products are prohibited from being discharged into the sewer system;
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the city to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a categorical pretreatment standard;
- (e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;
- (f) Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;
- (g) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process but in no case, wastewater with a color that exceeds three hundred (300) ADML units;
- (h) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the city's NPDES/KPDES permit;
- (i) Any waste(s) or wastewater(s) classified as a hazardous waste by the resource conservation and recovery act (RCRA) without a sixty (60) day prior notification of such discharge to the superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The superintendent may prohibit or condition the discharge(s) at any time;
- (j) Any water or wastes which have characteristics based on a twenty-four (24) hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentration:

TABLE INSET:

Parameter Allowable Concentration Without Surcharges (WWTP #1 Only)	
BOD	mg/l
COD	mg/l
TSS	mg/l
NH3-N	mg/l
Oil and grease (total)	mg/l

Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the wastewater discharge permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this article if the appropriated surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

- (k) The limitations in Table I (WWTP #1) and Table II (WWTP #2) are established for characteristics of any wastewaters to be discharged into the municipal sewer system. All significant industrial users must comply with the applicable limitations where they are more stringent than applicable state and/or federal regulations.

TABLE--I WWTP #1

CONCENTRATIONS LIMITS

ug/l

TABLE INSET:

SUBSTANCE. DAILY AVERAGE.		
Arsenic	,000	
Cadmium		
Chromium, III	,155	,770
Chromium VI		
Copper	,020	80
Lead		
Mercury/A		
Nickel	,980	,380
Selenium		
Silver		

Zinc	,915	,610
Cyanide, Free		
Chloride*		,200
Hydrogen Sulfide*		
Total Toxic Organics		,130/A
Color (ADMI Units)/A		
pH	6- 10.0	

*mg/l

Note--Limits on TSS BOD5, COD and NH3-N for WWTP #1 are addressed under subsection 19-63(j).

TABLE II WWTP #2

CONCENTRATION LIMITS
ug/l

TABLE INSET:

SUBSTA NCE. DAILYAV G.		
Arsenic		
Beryllium	.01	.01
Barium	.000	.000
Cadmium		
Chromium, Total	,260	,260
Chromium VI		
Copper		
Iron	,500	,500
Lead		
Mercury	.5	.5
Nickel		
Selenium	.8	.8
Silver		
Zinc		
Cyanide, Free	.2	.2
Chloride*		
Hydrogen Sulfide*	.3	.3
Total Toxic Organics	,130	,130

Color (ADMI Units)		
pH	6- 9.5	

*mg/l

- (l) The city has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations.

(Ord. No. 97-019, art. V(B), 6-19-97)

Sec. 19-64. Dilution of wastewater discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any pollutant specific limitation developed by the city or state.

(Ord. No. 97-019, art. V(C), 6-19-97)

Sec. 19-65. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The city may require and [any] hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the county health department.

(Ord. No. 97-019, art. V(D), 6-19-97)

Sec. 19-66. Special industrial pretreatment requirements.

- (a) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this article. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this article.
- (b) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at their

expense. The city may agree to assume these responsibilities if proper and appropriate arrangement for reimbursement of costs are made.

- (c) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid discharge permit. All applicants for a discharge permit shall complete the application form, pay the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, in writing, to abide by all applicable provisions of this article, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the superintendent a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis.

It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge specified by the city for such purpose.

Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in division 4 of this article including fines and imprisonment.

Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the manager and approved by the city.

Nothing in this article shall relieve waste haulers of the responsibility for compliance with county health department, state or federal regulations.

(Ord. No. 97-019, art. V(E), 6-19-97)

Sec. 19-67. Protection from accidental and sludge discharges.

- (a) *Generally* Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this article which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years, the manager will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the manager determines that a slug control plan or revision is necessary, the plan shall contain the following:

- (1) Description of discharge practices;
- (2) Description of stored chemicals;
- (3) Procedures for notifying the POTW;
- (4) Prevention procedures for spills.

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (b) *Written notice.* Within five (5) days following an accidental discharge, the user shall submit to the manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article, the enforcement response plan or other applicable law.
- (c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. No. 97-019, art. V(F), 6-19-97)

Sec. 19-68. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

(Ord. No. 97-019, art. V(G), 6-19-97)

Sec. 19-69. City's right of revision.

The city reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this article.

(Ord. No. 97-019, art. V(H), 6-19-97)

Sec. 19-70. Federal categorical pretreatment standards.

Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.

(Ord. No. 97-019, art. V(I), 6-19-97)

Secs. 19-71--19-73. Reserved.

DIVISION 2B. PRETREATMENT PROGRAM ADMINISTRATION

Sec. 19-74. Wastewater discharges.

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the city in accordance with the provisions of this article.

Any agency, nondomestic user, and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this article and state and federal regulations. An industrial user permit may then be issued by the manager in accordance with section 19-75 of this division.

(Ord. No. 97-019, art. VI(A), 6-19-97)

Sec. 19-75. Industrial user discharge permits.

- (a) *General.* All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial user permit before connecting to or contributing to the POTW.
- (b) *Permit application.* Users required to obtain an industrial user permit shall complete and file with the city an application in the form prescribed by the city, and accompanied by a permit fee. New users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. Existing permit holder shall apply no later than sixty (60) days prior to expiration of permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Name, address, and location if different from the address;
 - (2) SIC number(s) according to the Standard Industrial Classification manual, United States Bureau of the Budget, 1972, as amended;
 - (3) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - (4) Time and duration of contribution;
 - (5) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
 - (7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
 - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

- (9) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards;

The following conditions shall apply to this schedule:

- a. The schedule must be acceptable to the city.
 - b. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.
 - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not is complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.
- (10) Each product produced by type, amount, process or processes, and the rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) Any other information as may be deemed by the city to be necessary to evaluate the permit application;
- (14) A copy of the industry's written environmental control program, comparable document, or policy.
- (c) *Issuance.* The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the manager or designee may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(Ord. No. 97-019, art. VI(B), 6-19-97)

Sec. 19-76. Permit modifications.

Within nine (9) months of the promulgation of a national categorical pretreatment standards, the industrial wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a user, subject to national categorical pretreatment standards, has not previously submitted an application for an industrial wastewater discharge permit as required, the user shall apply for an industrial

wastewater discharge permit within ninety (90) days after the promulgation of the applicable national categorical pretreatment standards. In addition, the user with an existing industrial wastewater discharge permit shall submit, to the manager within ninety (90) days after the promulgation of an applicable federal categorical pretreatment standard, the information required by this article.

(Ord. No. 97-019, art. VI(C), 6-19-97)

Sec. 19-77. Permit conditions.

Industrial wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (1) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and/or maximum wastewater constituents and characteristics;
- (3) Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining, for a minimum of three (3) years, all plant records relating to pretreatment and/or wastewater discharge as specified by the city, and affording city access thereto as required by 40 CFR 403.12(o)(2);
- (9) Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume of character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges;
- (11) The permit may require the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the manager and deemed necessary by the city to verify that the user is in compliance with said permit;
- (12) Other conditions as deemed appropriate by the city to ensure compliance with this article.

(Ord. No. 97-019, art. VI(D), 6-19-97)

Sec. 19-78. Alternative discharge limits.

Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the manager. These alternative limits shall be applied to the mixed effluent and shall be calculated using the combined wastestream formula and/or flow-weighted average formula as defined in division 1 of this article.

Where the effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical user must notify the manager thirty (30) days in advance of any major change in production levels that will affect the limits for the discharge permit.

(Ord. No. 97-019, art. VI(E), 6-19-97)

Sec. 19-79. Permit duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in division 2 of this article are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time for compliance.

(Ord. No. 97-019, art. VI(F), 6-19-97)

Sec. 19-80. Permit transfer.

Industrial user permits are issued to a specific user for a specific operation. An industrial user permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without a thirty (30) day prior written notification to the manager and provision of a copy of the existing permit to the new owner. The manager may deny the transfer of the permit if it is deemed necessary.

(Ord. No. 97-019, art. VI(G), 6-19-97)

Sec. 19-81. Compliance data reporting.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to

federal categorical pretreatment standards and requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical standards and requirements. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, the user into compliance with the applicable categorical pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user.

(Ord. No. 97-019, art. VI(H), 6-19-97)

Sec. 19-82. Periodic compliance reports.

- (a) All significant industrial users shall submit, to the manager, every six (6) months (on dates specified in the industrial user permit) unless required more frequently by the permit, a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or discharge permit. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.
- (b) All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U. S. EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U. S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U. S. EPA Administrator.
- (c) Where 40 CFR, part 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U. S. EPA Administrator.
- (d) A baseline monitoring report (BMR) must be submitted to the manager by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:
 - (1) Production data: A process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.
 - (2) Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.
 - (3) Wastewater characteristics: Total plant flow, types of discharges, average and maximum flows from each process.

- (4) Nature/concentration of pollutants: Analytical results for all pollutants regulated by this article and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR, Part 136 and amendments thereto.
- (5) Information concerning any pretreatment equipment used to treat the facility's discharge.
- (e) New sources shall give estimates of the information requested in subsections (d)(3) and (4) of this section, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this article. All new sources must be in compliance with all provisions of this article, state and federal pretreatment regulations prior to commencement of discharge to the public sewer.

(Ord. No. 97-019, art. VI(I), 6-19-97)

Sec. 19-83. Permit violations.

- (a) All significant industrial users must notify the manager within twenty-four (24) hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.
- (b) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the manager within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question.
- (c) Compliance with the terms of an industrial user permit shall be deemed in compliance with the terms of this article.

(Ord. No. 97-019, art. VI(J), 6-19-97)

Sec. 19-84. Monitoring.

- (a) The city shall require significant users to provide and operate, at the user's own expense, monitoring facilities and equipment necessary to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The manager shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained in a manner such that the safety of city and industrial personnel shall be foremost. The facility, sampling, and measuring equipment shall be maintained at all times in a proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities

shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following approval of the location, plans and specifications.

- (b) All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period shall be submitted to the manager regardless of whether or not that analysis was required by the industrial user's discharge permit.
- (c) The industrial user must receive the approval of the manager before changing the sampling point and/or monitoring facilities to be used in all required sampling.

(Ord. No. 97-019, art. VI(K), 6-19-97)

Sec. 19-85. Inspection and sampling

The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city of their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copying records, records examination or in the performance of any of their duties.

The city, approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. No. 97-019, art. VI(L), 6-19-97)

Sec. 19-86. Pretreatment.

All significant industrial users shall provide necessary wastewater treatment as required to comply with this article and achieve compliance with any applicable federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this article. Any facilities required to pretreat wastewater to a level required by this article shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(Ord. No. 97-019, art. VI(M), 6-19-97)

Sec. 19-87. Annual publication.

The city shall annually publish in its largest daily newspaper a list of significant users which were in significant noncompliance with any pretreatment requirements or standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to the city's pretreatment program shall be made available to officials of the EPA or approval authority upon request. All records shall be maintained for a minimum of three (3) years in accordance with 40 CFR 403.12 (O) (2).

(Ord. No. 97-019, art. VI(N), 6-19-97)

Sec. 19-88. Significant noncompliance.

A user is defined as being in significant noncompliance when it commits one or more of the following conditions:

- (1) Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;
- (2) Involves failure to report noncompliance accurately;
- (3) Results in a chronic violation defined herein as sixty-six (66) percent or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;
- (4) Results in a technical review criteria (TRC) violation defined here as thirty-three (33) percent or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and oil and grease and 1.2 for all other pollutants except pH);
- (5) Any violation of a pretreatment effluent limit that the control authority determines has caused, along or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;
- (6) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge;
- (7) Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after schedule date;
- (8) Failure to provide required reports within thirty (30) days of the due date;
- (9) Any violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 97-019, art. VI(O), 6-19-97)

Sec. 19-89. Confidential information.

Information and data on a user obtained from report, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this article, the NPDES/KPDES permit, sludge disposal system permit and/or the pretreatment programs upon request. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. No. 97-019, art. VI(P), 6-19-97)

Sec. 19-90. Signatory requirements.

All applications, reports or information submitted to the city shall be signed and certified.

- (1) All permit applications shall be signed:
 - a. For a corporation: By a principal executive officer of at least the level of vice-president;
 - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively.
- (2) All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.
- (3) Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of my knowledge and belief such information is true, complete and accurate."

(Ord. No. 97-019, art. VI(Q), 6-19-97)

Secs. 19-91--19-93. Reserved.

DIVISION 3. FEES

Sec. 19-94. Purpose.

This article provides for the recovery of costs from users of the POTW for the implementation of the programs established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(Ord. No. 97-019, art. VII(A), 6-19-97)

Sec. 19-95. Charges and fees.

The city may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections, and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal by the POTW of excessive strength conventional pollutants;
- (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city.

(Ord. No. 97-019, art. VII(B), 6-19-97)

Secs. 19-96--19-98. Reserved.

DIVISION 3A. POWER AND AUTHORITY OF INSPECTION

Sec. 19-99. Right to enter premises.

The manager and other duly promulgated employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of this article.

(Ord. No. 97-019, art. VIII(A), 6-19-97)

Sec. 19-100. Right to obtain information regarding discharge.

The manager and other duly authorized employees of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper

credentials and identification are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(Ord. No. 97-019, art. VIII(B), 6-19-97)

Sec. 19-101. Access to easements.

Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair and maintenance of any portions of the wastewater facilities lying within said easement. All entry and subsequent work, if any on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 97-019, art. VIII(C), 6-19-97)

Sec. 19-102. Safety.

While performing the necessary work on private properties referred to in section 19-101, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company shall be held blameless for injury or death to city employees. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this article.

(Ord. No. 97-019, art. VIII(D), 6-19-97)

Secs. 19-103--19-105. Reserved.

DIVISION 3B. ENFORCEMENT.

Sec. 19-106. General.

The city, through the manager or designee, to insure compliance with this article, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in noncompliance with the article. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the manager or their designee.

The manager may suspend the wastewater treatment service and/or an industrial user permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its

NPDES/KPDES permit.

Any user notified of a suspension of the wastewater treatment service and/or the industrial user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the industrial user permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of the occurrence.

(Ord. No. 97-019, art. IX(A), 6-19-97)

Sec. 19-107. Notice of violation.

Any user found to be violating any provisions of this article, wastewater permit, or any order issued hereunder, shall be served by the city with written notice stating the nature of the violation(s). Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the manager. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after the receipt of the notice of violation.

If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined in section 19-88, will require a formal enforcement action. The full scale of enforcement actions will be as detailed in the enforcement response plan.

(Ord. No. 97-019, art. IX(B), 6-19-97)

Sec. 19-108. Administrative orders.

Any user who after receiving a notice of violation shall continue to discharge in violation of this article or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the city. At said appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed. The [violation] shall be determined on a case-by case basis which shall consider the type and severity of impact on the POTW, impact on human health, users economic benefit from the violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

The administrative order may taken any of the following three (3) forms:

- (1) *Consent orders.* The manager or their designee is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user

responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effects as orders issued pursuant to subsection (3) of this section.

- (2) *Compliance order.* When the manager or their designee finds that an industrial user has violated or continues to violate the article or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.
- (3) *Cease and desist orders.* When the manager finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder, the manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - a. Comply forthwith; or
 - b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. No. 97-019, art. IX(C), 6-19-97)

Sec. 19-109. Show cause hearing.

- (a) The manager or their designee may issue to any user who causes or contributes to violations of this article, wastewater permit or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the manager, why the proposed enforcement action not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agency or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.
- (b) The city, may, itself, conduct the hearing and take the evidence, or designate a representative to:
 - (1) Issue, in the name of the city, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - (2) Take the evidence;
 - (3) Transmit a report of the evidence and hearing, including transcripts and

other evidence, together with recommendations to the city for action thereon.

- (c) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (d) After the city has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. No. 97-019, art. IX(D), 6-19-97)

Sec. 19-110. Additional enforcement remedies.

- (a) *Performance bonds.* The manager may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the manager to be necessary to achieve consistent compliance.
- (b) *Liability insurance.* The manager may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(Ord. No. 97-019, art. IX(E), 6-19-97)

Secs. 19-111--19-113. Reserved.

DIVISION 4. PENALTIES

Sec. 19-114. Written notice.

Any user found to be violating any provision of this article of a wastewater permit or order issued hereunder, shall be served by the manager or their designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

As contained in division 3B of this article, the notice may be of several forms. Also as contained in division 3B, penalties of various forms may be levied against users for violations of this article. The penalties, if levied, shall range from publication of violations in the local newspaper to administrative fines of at least one thousand dollars (\$1,000.00) per day per violation.

(Ord. No. 97-019, art. X(A), 6-19-97)

Sec. 19-115. Revocation of permit.

Any user violating any of the provisions of this article or a wastewater permit order issued hereunder, may be subject to termination of its authority to discharge sewage into the municipal sewer system. Such termination may be immediate if necessary for the protection of the POTW. Said user may also have water service terminated.

Any user who violates the following conditions of this article, or applicable State or Federal Regulations, is subject to having his permit revoked in accordance with the procedures of this article.

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit.

(Ord. No. 97-019, art. X(B), 6-19-97)

Sec. 19-116. Liability.

Any user violating any of the provisions of this article, discharge permit or other order issued hereunder shall become liable to the City of Georgetown for any expense, loss or damage occasioned by the city by reason of such violation. This civil liability is as provided by state and federal regulations.

(Ord. No. 97-019, art. X(C), 6-19-97)

Sec. 19-117. Misrepresentation and/or falsifying documents.

Any user who knowingly and/or negligently makes any false statements, representations or certification or any application, record, report, plan or other document filed or required pursuant to this article or industrial user discharge permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this article, shall be punished by a fine of at least one thousand dollars (\$1,000.00) or by imprisonment for not more than twelve (12) months or by both.

(Ord. No. 97-019, art. X(D), 6-19-97)

Sec. 19-118. Destruction of POTW and legal action.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

(Ord. No. 97-019, art. X(E), 6-19-97)

Sec. 19-119. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provision of this article, federal or state pretreatment requirements or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction.

(Ord. No. 97-019, art. X(F), 6-19-97)

Sec. 19-120. Injunctive relief.

Whenever a user has violated or continues to violate the provisions of this article or permit or order issued hereunder, the manager, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

(Ord. No. 97-019, art. X(G), 6-19-97)

Sec. 19-121. Civil penalties.

- (a) Any user who has significantly violated or continues to violate this article or any order or permit issued hereunder, may be liable to the manager for a civil penalty of not more than one thousand dollars (\$1,000.00) per day plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the manager may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
- (b) The manager may petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(Ord. No. 97-019, art. X(H), 6-19-97)

Sec. 19-122. Criminal prosecution.

(a) *Violations general.*

- (1) Any user who willfully or negligently violates any provision of this article or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.
- (2) In the event of a second conviction, the user shall be punishable by a fine not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(Ord. No. 97-019, art. X(I), 6-19-97)

Secs. 19-123--19-130. Reserved.

DIVISION 5. RATES AND CHARGES*

***Editor's note:** Ord. No. 91-014, §§ 1--6, adopted Aug. 1, 1991, amended Div. 5 to read as herein set out. Prior to inclusion of said ordinance, Div. 5 pertained to similar subject matter and derived from 90-005, §§ 1, 2, adopted May 3, 1990.

Sec. 19-131. Declaration of intent.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the GMWSS to collect charges from all users who contribute wastewater to the GMWSS treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

(Ord. No. 91-014, § 1, 8-1-91)

Sec. 19-132. Definitions.

Unless the context specifically indicated otherwise, the meaning of terms used in this article shall be as follows:

Biochemical oxygen demand (BOD) concentration shall be as determined by Standard Methods for the Examination of Water and Wastewater, 17th Edition expressed in milligrams per liter (mg/L).

Chemical oxygen demand (COD) concentration shall be as determined by Standard Methods for the Examination of Water and Wastewater, 17th Edition expressed in milligrams per liter (mg/L).

Normal domestic wastewater shall mean wastewater that has a BOD concentration of not more than two hundred twenty-five (225) mg/L and a total suspended solids concentration of not more than two hundred twenty-five (225) mg/L and Ammonia-N concentration of not more than thirty (30) mg/L and a chemical oxygen demand concentration of not more than four hundred (400) mg/L.

Operation and maintenance shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined herein.

Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Residential user shall mean any contributor to the city's treatment works whose lot, parcel or real estate or building is used for domestic dwelling purposes only.

Commercial user shall mean all retail stores, restaurants, office buildings, laundries and other private business and service establishments. Commercial user shall include social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users. Commercial user shall include legislative, judicial, administrative and regulatory activities of federal, state and local governments.

Industrial user shall include any nonresidential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services.

Shall is mandatory; *may* is permissive.

Total Suspended Solids (TSS) shall be as determined by Standard Methods for the Examination of Water and Wastewater, 17th Edition expressed in milligrams per liter (mg/L).

Treatment works shall mean any devices and system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Useful life shall mean the estimated period during which a treatment works will be operated.

User charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

Water meter shall mean a water volume measuring and recording device, approved by GMWSS.

Debt service shall mean charges levied on users of the sewage treatment system to support the annual debt service obligations of the system.

(Ord. No. 91-014, § 2, 8-1-91)

Sec. 19-133. Revenue fund; sewer operation and maintenance fund.

The revenues collected, as a result of the user charges levied, shall be deposited a revenue fund. At the end of the fiscal year, funds remaining after payment of sewer operation and maintenance expenses shall be transferred into a separate non-lapsing fund known as the sewer operation and maintenance fund.

(Ord. No. 91-014, § 3, 8-1-91)

The following schedule of sewer rates shall apply to each and all users of the sewage treatment system.

Rates Effective July 1, 1991

Rates Effective October 1, 1991

Rates Effective July 1, 1992

Water Usage per Month	Monthly Charge
First 2,000 Gallons	\$6.00 (Minimum Monthly Bill)
All Over 2,000 Gallons	\$3.96 per 1,000 Gallons

Rates Effective July 1, 1993

<i>Water</i>	<i>Usage</i>	<i>per</i>	<i>Month</i>		<i>Monthly</i>	<i>Charge</i>
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First	2,000	Gallons	\$6.00	(Minimum	Monthly	Bill)
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All Over 2,000 Gallons \$4.28 per 1,000 Gallons

Rates Effective July 15, 2004

<i>Water</i>	<i>Usage</i>	<i>per</i>	<i>Month</i>		<i>Monthly</i>	<i>Charge</i>
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First	2,000	Gallons	\$7.11	(Minimum	Monthly	Bill)
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All Over 2,000 Gallons \$5.07 per 1,000 Gallons

For residential, commercial, and industrial users, monthly sewer user charge will be based on actual water usage. If a residential commercial, industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the sewer user charge for that user may be based on readings from a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense and approved by GMWSS.

Sewer users whose wastewater concentration is greater than two hundred twenty-five (225) mg/L BOD or two hundred twenty-five (225) mg/L TSS or thirty (30) mg/L ammonia-N or four hundred (400) mg/L COD shall pay a waste concentration surcharge in addition to the normal sewer user charge.

The following surcharge rates shall apply to each user of the sewage works that has received permission from the wastewater superintendent to contribute excessive strength sewage.

Surcharge Rates

BOD \$ 0.15 per pound of excess load

TSS \$ 0.15 per pound of excess load

Ammonia-N \$ 0.69 per pound of excess load

COD \$ 0.15 per pound of excess load

The wastewater superintendent shall select either the COD or BOD concentration which shall be used at his option.

No reduction in sewage user charges or sewer surcharges shall be permitted because of the fact that certain wastes discharged to the sewage works contain less

than two hundred twenty-five (225) mg/L of BOD, two hundred twenty-five (225) mg/L of TSS, thirty (30) mg/L of Ammonia-N or four hundred (400) mg/L COD.

(Ord. No. 91-014, § 4, 8-1-91; Ord. No. 04-014, § 2, 7-1-04)

Sec. 19-135. Financial records.

GMWSS shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance of the system, including normal replacement costs.

GMWSS shall review not less often than annually the sewage contribution of users, the total cost of operation and maintenance of the sewage works, debt service obligations and sewer service charges. Based on such review, the GMWSS shall revise, when necessary, the schedule of sewer service charges to accomplish the following:

- (1) Maintain an equitable distribution of operations and maintenance costs among users of the treatment system; and
- (2) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the sewage system and to meet debt service requirements.

Excessive strength surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs.

Each user shall be notified, at least annually, that portion of the total sewer user charge which is attributable to operation and maintenance of the sewage system. This notification may be in conjunction with a normal sewer bill.

(Ord. No. 91-014, § 5, 8-1-91)

Sec. 19-136. Billing dates; penalty for late payment.

All GMWSS water users shall be billed monthly. GMWSS sewer customers serviced by Kentucky-American Water Company shall be billed quarterly. Payments are due within fourteen (14) days of the billing date. Any payment not received within fifteen (15) days after the billing date shall be delinquent.

When actual meter readings can not be obtained, GMWSS may estimate water consumption for the purpose of determining water and sewer charges.

A late payment penalty of five (5) percent of the users charge bill will be added to each delinquent bill. When any bill is more than thirty (30) days in default, water and or sewer service to such premise shall be discontinued until such bill is paid.

When any unpaid bill (including interest and penalty) remains unpaid for more than three (3) months after the date due, such bill, upon approval of GMWSS, may be collected by an agency or may be recorded in the land records of Scott County by the treasurer and shall constitute a lien on the property.

(Ord. No. 91-014, § 6, 8-1-91)

Secs. 19-137--19-150. Reserved.

ARTICLE IV. WATER*

***Cross references:** Plumbing code, § 4-71 et seq.

DIVISION 1. GENERALLY

Sec. 19-151. Rules and regulations of board.

The board of water and sanitary sewer commissioners shall have and are hereby authorized and empowered to make rules and regulations concerning the use and consumption of city water from the municipal water and sanitary sewer service, and any such rules and regulations shall be spread upon the minute book of the municipal water and sanitary sewer service and shall be published in a city paper, after which the same shall be binding and enforceable upon all waters users of the municipal water and sanitary sewer service.

(Code 1966, § 53.1)

Sec. 19-152. Amendment of provisions of this article.

The council enacts this article for the assurance and protection of the citizens of the city and for the purpose of assuring the holder or holders of the waterworks revenue bonds of the city of an efficient operation of the municipal waterworks plant and system of the city. No amendment of this article shall be enacted unless copies thereof shall have been theretofore published in a newspaper of general circulation in the city at least once each week for two (2) consecutive weeks prior to final passage thereof at any meeting of the council.

(Code 1966, § 53.2)

Sec. 19-153. Bluegrass water supply commission.

- (a) The city, acting jointly with the other organizing entities, having determined and elected to acquire and jointly operate sources of supply of potable water and to improve and extend them in the manner provided in KRS 74.420 to 74.520, does hereby propose the creation of a water commission to be known as the Bluegrass Water Supply Commission ("commission").
- (b) The commission shall be both a public corporation and a public body corporate and politic with the powers and duties specified in KRS 74.420 to 74.520. The commission may, in its corporate name, contract and be contracted with, sue and be sued, adopt and alter at its pleasure a corporate seal; and purchase, own, hold, and dispose of all real and personal property necessary for carrying out its corporate purposes under KRS 74.420 to 74.520.
- (c) In addition to, but not in limitation of, the general powers stated above, the commission shall be empowered to:
 - (1) Acquire and operate sources of supply of potable water within the

meaning of KRS 74.420;

- (2) Appoint or contract for the services of officers, agents and employees, including engineers, attorneys, accountants, fiscal agents, and other professional persons, prescribe their duties and fix their compensation;
 - (3) Issue revenue bonds for the purpose of acquiring sources of supply of potable water or making improvements and extensions to sources of supply of potable water, which bonds will be payable solely from the revenues derived from water supply contracts;
 - (4) Contract to supply potable water to entities represented by the commission and to other entities, as allowed by KRS 74.490, upon the payments, terms and conditions mutually agreed upon;
 - (5) Establish charges and rates for potable water supplied pursuant to water supply contracts;
 - (6) Acquire property and property rights through condemnation under the terms and provisions of KRS 74.470, KRS ch. 58, KRS ch. 416, and all other applicable laws; and
 - (7) Exercise such other powers and duties that are reasonably necessary or advantageous for effectuating the purposes embodied in KRS 74.420 to 74.520.
- (d) Any revenue bonds issued by the commission or any other debt obligation incurred by the commission shall be an obligation of the commission and not an obligation of any of the organizing entities of the commission. None of the organizing entities shall be obligated to pay the principal of or interest on such bonds or debt obligations of the commission. Furthermore, neither the city nor any of the other organizing entities shall be responsible for payment of any of the expenses, fees or other obligations incurred by the commission.
- (e) Participation in the creation of the commission shall not subject the city to any liability to any of the other organizing entities and shall not cause the city, its mayor, nor its city council members to incur any liability whatsoever.

(Ord. No. 04-004, §§ 2--6, 3-4-04)

Secs. 19-154--19-165. Reserved.

DIVISION 2. RESTRICTED AND PROHIBITED USES

Sec. 19-166. Use of private hydrants and city-filled cisterns.

It shall be unlawful for any person within the corporate limits of the city to take water from any private hydrant, or from any cistern that may have been filled, in whole or part, from the city waterworks, except by the order of the chief engineer of the fire department, unless such person shall have first paid for same and received the usual permit from the board of water and sanitary sewer commissioners to do so, except in cases of urgent or apparent necessity.

(Code 1966, § 53.30)

Sec. 19-167. City's water source to be protected.

It shall be unlawful for any person to deposit or throw into the creek or basin in the city, any filth or dead carcass, within the pool or the waterworks building, on the street adjacent to same, or within three hundred (300) feet below the pool or basin; or to put or drive any hogs or other animals into the creek within a like distance below the works. It shall be the duty of the board of water and sanitary sewer commissioners, subject to the inspection of the city council, to see that the pool or basin is kept clean and free from such filth or other deposits within such distance, and to prevent the wastewater, blow-off water, oils or drippings from the works from entering the pool or basin; such substances to be conducted to a point in the branch or sewer three hundred (300) feet below the pool or basin.

(Code 1966, § 53.31)

Sec. 19-168. Bathing prohibited to 300 feet below city water source.

It shall be unlawful for any person, either by day or night, to go into the creek to bathe or swim in the pool or basin of the waterworks, or within three hundred (300) feet below same; and it is hereby made the duty of the police officers and all watchmen in the city to enforce this and sections 19-166 and 19-167.

(Code 1966, § 53.32)

Sec. 19-169. Private use of fire hydrants.

The turning on of the water from fire plugs is strictly prohibited by any person except by the officers of the fire department, or by order of the mayor or chief of police for flushing the streets, or by special permit from the board of water and sanitary sewer commissioners and city fire department, as may be provided by city ordinance. The person found guilty of violating this section shall be deemed guilty of a misdemeanor, and subjected to the penalties hereinafter provided for violation of this article.

(Code 1966, § 53.33)

Sec. 19-170. Emergency water restrictions.

- (a) An emergency exists which threatens the water supply for the city as a result of the extended drought conditions which this area is suffering. The existence of this emergency necessitates the waiver of the requirement of second reading and publication in order to give an ordinance effect.
- (b) The city water and sewer board of commissioners is hereby authorized, upon the finding of specific facts supporting the existence of a emergency which threatens the city's water supply, by two-thirds majority, to declare an emergency and impose mandatory restrictions on the use of water which are reasonably calculated to result in the conservation of our water supply. The mandatory restrictions may include, but are not limited to, the following:
 - (1) Prohibition of or limitation on the sprinkling of lawns, shrubs, trees or other plants of an ornamental nature;
 - (2) Prohibition of or limitation on the washing of vehicles, except at places of

- business which are in the business of washing vehicles;
- (3) Prohibition of or limitation on the use of swimming pools;
 - (4) Limitation on the use of water by commercial enterprises; and
 - (5) Any other reasonable measure which, under the circumstances, will promote the conservation of water.
- (c) Upon the declaration of an emergency, the water board shall notify each of its customers, in writing, that an emergency has been declared. The notice shall include a listing of each restriction that the board has imposed and the date on which the restrictions shall take effect, said effective date to be not less than three (3) days after the date of the notice.
 - (d) The emergency declaration and restrictions shall continue until lifted by the board or as otherwise provided by this section.
 - (e) In the event the water board declares an emergency and imposes mandatory restrictions on the use of water, the declaration, the findings supporting the declaration and other pertinent information shall be delivered to the office of the mayor. Not later than the next regularly scheduled city council meeting, the council shall consider the declaration and determine its sufficiency under this section. Absent a finding of sufficiency, the declaration shall be lifted.
 - (f) Violations of the restrictions imposed pursuant to this section shall be prosecuted before the county district court and be punishable by fine not to exceed two hundred and fifty dollars (\$250.00) per offense, with each day constituting a different offense.

Violators may be cited to court by any duly qualified peace officer who witnesses the violation. Violators may be summoned before the court by complaint obtained from the county attorney's office by any individual.

(Ord. No. 88-018, §§ 1--6, 6-27-88)

Editor's note: Ord. No. 88-018, §§ 1--6, adopted June 27, 1988, did not specifically amend the Code; hence, its inclusion herein as § 19-170 was at the discretion of the editor. Section 7, dealing with statutory authority and effective date, has been omitted from codification.

Secs. 19-171--19-180. Reserved.

DIVISION 3. CONNECTIONS; REPAIRS

Sec. 19-181. Plumbers required to have permits for water repairs or modifications.

No plumber or other person shall make any attachments to an old pipe or other fixture which has been shut off by the regulations prescribed by this article, or to one that is out of use, without first having obtained a permit of reissue; nor shall any plumber or other person make any alteration in any of the conduit pipes or other fixtures attached to the waterworks so as to conduct water into the adjoining premises, without a written permit so to do from the board of water and sanitary sewer commissioners.

(Code 1966, § 53.40)

Sec. 19-182. Use of system, permission required.

No opening shall be made, or pipes bored, or attachments affixed to any of the water pipes belonging to the city, in any street, land or alley, unless under the direction of, or by the consent of the board of water and sanitary sewer commissioners; nor shall it be lawful for any person to enter and conduct water from the pipes of the water system to any hydrant, bath, water closet, plug, or for any other purpose whatever, except in accordance with the written consent of the board.

(Code 1966, § 53.41)

Sec. 19-183. Supervision of attachments; cost.

- (a) All attachments made by ferrules or otherwise shall be made to the main or feeding pipes by employees under the supervision of the board of water and sanitary sewer commissioners.
- (b) All ferrules and the cost of inserting same shall be paid by the plumber in whose name the permit is issued.

(Code 1966, § 53.42)

Sec. 19-184. Stop-cocks required.

No plumber shall be permitted to enter, pipe or conduct water into any two (2) distinct premises or tenements unless separate and distinct stop-cocks shall be placed in the outside of such premises on the sidewalks or in the alley opposite the same.

(Code 1966, § 53.43)

Sec. 19-185. Sizes of pipes.

No section shall hereafter be inserted, in any of the leading mains above the size of three-fourths of an inch inside diameter of opening without consent of the board of water and sanitary sewer commissioners.

(Code 1966, § 53.44)

Sec. 19-186. Standard for pipe.

All service pipe of whatever nature put down by plumbers and attached to the waterworks shall be up to the standard adopted from time to time by the council, which standard shall be in accordance with the head of pressure on the main pipes situated or laid down in the various levels within the city.

(Code 1966, § 53.45)

Sec. 19-187. Plumber's certificate of repair.

Plumbers making repairs to hydrants or other fixtures attached to the waterworks, in all cases where the water has been shut off on account of a leak or other

defects, shall give to the owner or occupant of the premises a written certificate that such hydrant has been properly repaired; otherwise the water will not again be turned on; and no plumber shall, after making such repairs or after putting in any new hydrant or other attachment, leave the stop open and the water on.

(Code 1966, § 53.46)

Sec. 19-188. Extensions.

The city agrees to make any further extension of its mains that may become necessary, wherever the increased revenues by reason of such extension would yield eight (8) percent on the cost of such extension.

(Code 1966, § 53.47)

Sec. 19-189. Pressure specifications.

The board of water and sanitary sewer commissioners shall maintain at its plant a minimum pressure of forty (40) pounds for domestic use, and one hundred (100) pounds for fire protection.

(Code 1966, § 53.48)

Sec. 19-190. Surveys and meter readings.

The board of water and sanitary sewer commissioners shall have the right to survey any and all premises using water at any reasonable time, if necessary, if it may so desire, and for this purpose, all surveyors, meter and elevator readers or such other person as may be designated, shall upon exhibiting proper authority at reasonable hours, have free access to any or all such premises where water is used. When such access is refused, the water may be immediately shut off. The inspector, or hydrant surveyor, or other person as may be designated to inspect the pipes and other hydrant connections, shall also have free access to any premises for such purposes, and the party refusing such permission, may have his water shut off.

(Code 1966, § 53.49)

Sec. 19-191. Repair of streets after installations.

- (a) Whenever in putting in any connections or any equipment of any kind, it becomes necessary to dig up the surface of any street, the board of water and sanitary sewer commissioners shall restore the surface of the street with the same materials and in the same condition as it was before such digging.
- (b) In removing pavements for the purpose of inserting ferrules or making attachments or repairs, the earth, stone and gravel must be deposited in such manner as to guard against inconvenience to the public by obstructing streets, alleys or sidewalks; nor shall the hole in any street be left open at night without displaying a red lantern and other safeguards.

(Code 1966, § 53.50)

Sec. 19-192. Permission required for obstruction or piping in any street or spring.

It shall be unlawful for any person to place any pipe on or over any street or other public way of the city, or in the Royal Spring without first having obtained permission from the council, entered upon its records. A separate offense shall be deemed committed for each day upon or during which such violation continues.

(Code 1966, § 53.51)

Secs. 19-193--19-205. Reserved.

DIVISION 4. RATES AND CHARGES

Sec. 19-206. Determination of rates.

- (a) The rates for the use of water shall be fixed from time to time by the board of water and sanitary sewer commissioners, subject to the approval of the council, and the board of water and sanitary sewer commissioners shall provide rules for the management and operation of the water system and the collection of all bills and water charges.
- (b) The monthly rates and charges for water service to each customer shall be as set forth in the following schedule:

Rates Effective July 15, 2004

<i>Water</i>	<i>Usage</i>	<i>per</i>	<i>Month</i>		<i>Monthly</i>	<i>Charge</i>
First	2,000	Gallons	\$7.76	(minimum	monthly	bill)

All Over 2,000 Gallons \$4.36 per 1,000 Gallons

(Code 1966, §§ 53.10, 53.11; Ord. No. 04-014, § 1, 7-1-04))

Sec. 19-207. City subject to charges.

The board of water and sanitary sewer commissioners shall charge the city for water used by the city, at the same rates applicable to other similar customers using water under similar conditions and amounts, and the revenue derived from the water shall be treated as other revenues.

(Code 1966, § 53.12)

Sec. 19-208. Fire hydrants.

The city will install and maintain fire hydrants on its mains for fire protection at all points where now maintained, and will install and maintain such additional fire hydrants

when and where the city may direct.

(Code 1966, § 53.13)

Sec. 19-209. Sprinkler system rates.

In order to provide for a uniform system of charges for establishments having and maintaining sprinkler systems in the city or any water user having a sprinkler system connected to the city water mains, the charge to be collected by the municipal water and sanitary sewer service from customers having sprinkler systems shall be established from time to time by the board of water and sanitary sewer commissioners subject to approval of the city council. These charges shall be prorated and billed to the customers monthly by the municipal water and sanitary sewer service.

(Code 1966, § 53.14)

Sec. 19-210. Overcharge; complaint.

All persons regarding themselves over-charged, can, by applying at the office of the board of water and sanitary sewer commissioners, within six (6) days after presentation of the bill, have their premises resurveyed or meter examined or reread, but all bills against which no complaints have been entered within such time, shall be taken as correct and payment required without reduction.

(Code 1966, § 53.20)

Sec. 19-211. Due dates.

Water rents, of any description under meter, elevator or special rates, shall be due on the first day of the month after presentation. Accounts due for work on materials furnished, or contracted for, shall be due in advance when applied for, if the price can then be ascertained. If not then ascertainable, it shall be due on presentation of the account, either during the progress of the work or when same is completed. Repairs to stop-boxes, meters, indicators, or any other repairs for which the consumer is liable, shall be due on presentation of the account properly drawn. Bills for laying hydrant branches are due in advance, if the amount is known at the time application is made for same. This work, consisting of requisite opening, ferrule attachment, back-filling and paving, is to be done by the board of a duly licensed plumber.

(Code 1966, § 53.21)

Sec. 19-212. Penalty for late payment.

Bills for water rent may be mailed to the customer, delivered to the customer in person, or be left at the premises where the water is used. Each of such bills, if not paid on or before the tenth day of the month when due, at the office of the board shall be subject to a penalty of five (5) percent.

(Code 1966, § 53.22)

Sec. 19-213. Discontinuance of service.

In all cases of nonpayment of bills due the city, within fifteen (15) days after the same are due and payable, a notice may be served on the delinquent to the effect that unless such bills are paid within five (5) days after presentation of such notice, the supply will be cut off, and the flow not again restored until such delinquent accounts are paid, together with the expense, if any, incurred by the city in cutting the street for the purpose of shutting off and restoring the flow of water, or for any other purpose; provided, however, that the water shall, in no case, be turned off, for any cause whatsoever, without giving notice to the parties affected thereby, so as to avoid damage that might otherwise result to life or property from explosion or otherwise.

(Code 1966, § 53.23)

Sec. 19-214. Ferrule might be removed for delinquency.

In all cases where the water has been turned off for nonpayment of water rent, or for any other violation of this article by order of any officer of the waterworks, and found on again, the manager of the waterworks may cause the ferrule to be withdrawn, and it shall not be reinstated until the two (2) months back rents are paid up (if so much be due), and an additional charge of three dollars (\$3.00) for drawing and replacing the ferrule. This section shall not be so construed as to affect new occupants of premises who are not indebted for the previous rents.

(Code 1966, § 53.24)

Sec. 19-215. Deposit required for renewal of service to delinquent user.

Upon failure of any water user to pay for any bill when due, his water service may be cut off as herein before provided, and the same shall not be turned on again for the delinquent water user at that location or any other location until he shall have first paid the delinquent bill and deposited with the waterworks a deposit of five dollars (\$5.00), or shall have secured in writing the promise and guaranty of a substantial and reliable property owner to stand for his water bill in the future.

(Code 1966, § 53.25)

Sec. 19-216. Responsibility where adjoining users are supplied by same service pipe.

Where premises are supplied by one service pipe, users of water on adjacent premises supplied by the same pipe, shall be responsible for water rents incurred from the improper use or abuse of water privileges unless such abuse is promptly reported at the office of the waterworks. This responsibility is not incurred, however, where the lots are separated by streets or alleys.

(Code 1966, § 53.26)

Chapter 20 ZONING AND LAND USE*

***Cross references:** Any zoning ordinance of the city saved from repeal, § 1-6(11); buildings and building regulations, Ch. 4; flood prevention, Ch. 8; streets, sidewalks and other public places, Ch. 15; subdivision regulations, Ch. 16.

State law references: Planning and zoning, KRS Ch. 100.

Sec. 20-1. Adoption of revised zoning ordinance.

Upon recommendation and resolution passed by the planning commission at their regular meeting and following a public hearing, and following the transmittal of the resolution to the city council, it is now ordered that the "Revised Zoning Ordinance of the City of Georgetown," which is incorporated herein by reference as if copied and set forth in full herein, is hereby read, adopted and approved, pursuant to the law provided for such case, and a certified copy of the Revised Zoning Ordinance shall be filed in the office of the county court clerk according to law. A copy of same may be seen and inspected at the office of the clerk-treasurer at no expense.

(Code 1966, § 150.1; Ord. No. 77-003, § I, 3-3-77)

Sec. 20-2. Adoption of land use plan.

Upon recommendation and resolution passed by the planning commission and following the transmittal of the resolution to the city council, it is now ordered that the land use plan of the city is incorporated herein by reference as if copied and set forth in full herein, and is hereby adopted and approved, pursuant to the law provided for such cases, and a certified copy of this plan shall be filed in the office of the county court clerk according to law. A copy of same may be seen and inspected at the office of the clerk-treasurer at no expense.

(Code 1966, § 150.2)

Sec. 20-3. Adoption of major street plan.

Upon recommendation of the city planning commission and following the transmittal of a resolution of the commission to the city council, it is now ordered that the major street plan, which is incorporated herein by reference as if copied and set forth in full herein, it is hereby adopted and approved, pursuant to the law provided for such cases, and a certified copy of this plan shall be filed in the office of the county court clerk according to law.

(Code 1966, § 150.3)

CODE COMPARATIVE TABLE 1966 CODE

This table gives the location within this Code of those sections of the 1966 Code as updated through 6-6-74, which are included herein. Sections of the 1966 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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CODE COMPARATIVE TABLE ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1966 Code as updated through 6-6-74, which are included herein. Ordinances adopted prior to such date were incorporated into the 1966 Code, a table of which immediately precedes this table. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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